

Mayor
Christy Clark

Mayor Pro Tem
Jennifer Hunt

Commissioners
Alisia Bergsman
Amanda Dumas
Edwin Quarles
LaToya Rivers
Nick Walsh



Town Manager
Anthony Roberts

Deputy Town Manager
Jackie Huffman

Assistant Town Manager
Bobby Williams

Town Attorney
Emily Sloop

Town Clerk
Janet Pierson

AGENDA
Regular Town Board Meeting
January 2, 2024 - 6:00 PM
TOWN HALL (101 Huntersville-Concord Road)

Live Stream available via YouTube
@townofhuntersvillenc28078

1. Pre-meeting - 5:30 p.m.

- 1.A. Closed Session pursuant to N.C.G.S. § 143-318.11(a)(5) to instruct staff or negotiating agents concerning the price and other material terms for the acquisition of real property. (*Stephen Trott*)

2. Call to Order

3. Invocation/Moment of Silence

4. Pledge of Allegiance

5. Announcements

6. Public Comments, Requests, or Presentations

7. Agenda Changes/Adoption of Agenda

8. Consent Agenda

- 8.A. Approve the minutes of the December 4, 2023 Regular Town Board Meeting. (*Janet Pierson*)
- 8.B. Adopt Resolution providing for a Deputy Town Clerk. (*Anthony Roberts*)
- 8.C. Call a public hearing for February 5, 2024 at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #TA23-08, a request by the Huntersville Planning Department to amend Zoning Ordinance Article 8.13 to remove "Regulation of Nuisances" language. (*Nathan Farber*)

9. Public Hearings

- 9.A. Conduct public hearing on Petition #R23-10, Commercial Communication Tower, a request by Berkley Group III, LLC to rezone +/-6.00 acres located at 15105 Holbrooks Road from Transitional Residential and Neighborhood Residential District to Special Purpose - Conditional District. The applicant requests the public hearing be continued to January 16, 2024. *(Nathan Farber)*
- 9.B. Conduct public hearing on Petition #R23-11, Morningstar Storage, a request by Morningstar Properties to rezone +/- 3.934 acres located at 16230 and 16204 Old Statesville Road from Special Purpose and Highway Commercial to Special Purpose - Conditional District for an indoor storage facility. *(Jesse James)*
- 9.C. Conduct public hearing on Petition #TA23-06, a request by the Huntersville Planning Department to amend the Zoning Ordinance to comply with House Bill 488 regarding the North Carolina Residential Code, Alternative pavement design standards within developments, and update the threshold for requiring a GC license for construction work. *(Nathan Farber)*
- 9.D. Conduct public hearing on Petition #TA23-07, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 12, Section 12.2.1. "Interconnected" to revise the definition. *(Patrick Patterson)*

10. Other Business

- 10.A. Adopt Resolution to acquire right-of-way and/or easements for the construction of the Church Street - Holbrooks to Dellwood project. *(Stephen Trott)*
- 10.B. Consider approving updated Fire Department Operating and Services Agreement. *(Emily Sloop)*
- 10.C. Discussion on establishing a Sustainability Committee. *(Commissioner Hunt/Commissioner Quarles)*

11. Closing Comments

12. Adjourn

GENERAL MEETING INFORMATION

Town Board:

The Town of Huntersville Mayor and Board of Commissioners are elected for two-year terms. Huntersville operates under the council-manager form of government, which establishes the Town's policies that are carried out by the Town Manager and staff. For more information visit www.huntersville.org.

Meeting Time, Place and Agenda:

All meetings of the Board are open to the public and the public is invited and encouraged to attend. The Board meets in the Town Hall at 6:00 p.m. on the first and third Monday of each month (unless otherwise posted). Agendas are published Thursdays before the meeting on our website. The Board reserves the right to deviate from the agenda.

Public Comment and Public Hearing Policy:

Persons desiring to address the Board during the public comment period or a public hearing shall sign up via the speaker sign-up sheet prior to the beginning of the meeting. Once the meeting has begun, a person may not sign up to speak. Persons who have signed up to speak shall be allowed to speak for up to three (3) minutes. The Mayor shall have the discretion to shorten the allotted speaking time depending on the number persons registered to speak and in consideration of the length of the agenda. (Public Comment and Public Hearing Policy - Adopted April 19th 2021)

Special Accommodations:

Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format please contact the Town Clerk. The Clerk can be reached by phone or fax: 704-875-6541, email: clerk@huntersville.org or at 101 Huntersville-Concord Rd, Huntersville, NC 28078. We request at least 72-hours' notice prior to the meeting to make the appropriate arrangements.

**Town of Huntersville
Town Board
January 2, 2024**

To: Town Board

From: Janet Pierson, Town Clerk

Date: January 2, 2024

Subject: Approval of Minutes - December 4, 2023

EXPLAIN REQUEST:

Consider approving the minutes of the December 4, 2023 Regular Town Board Meeting.

ACTION RECOMMENDED:

Approve Minutes

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. Draft Minutes

**TOWN OF HUNTERSVILLE
TOWN BOARD MEETING
MINUTES**

**December 4, 2023
6:00 p.m. – Huntersville Town Hall
101 Huntersville-Concord Road**

PRE-MEETING

None

**REGULAR MEETING
TOWN OF HUNTERSVILLE
BOARD OF COMMISSIONERS**

The Regular Meeting of the Huntersville Board of Commissioners was held at the Huntersville Town Hall, 101 Huntersville-Concord Road, at 6:00 p.m. on December 4, 2023.

GOVERNING BODY MEMBERS PRESENT: Mayor Melinda Bales; Commissioners Dan Boone, Rob Kidwell, Amber Kovacs, Lance Munger, Derek Partee and Stacy Phillips.

Mayor Bales called the meeting to order.

Mayor Bales called for a moment of silence.

Mayor Bales led the Pledge of Allegiance.

STAFF QUESTIONS

None

PUBLIC COMMENTS, REQUESTS, OR PRESENTATIONS

Mayor Bales said I am thoroughly honored to be able to do this presentation this evening. Among the honors and awards the Governor of North Carolina bestows, none is more valued than The Order of the Long Leaf Pine. Since its creation in 1963, it is presented to honor persons with a proven record of service to the state of North Carolina or some other remarkable achievement and to others as a gesture of friendship and goodwill.

Upon being named to The Order of the Long Leaf Pine, the honoree receives a certificate by which the Governor confers upon the recipient the rank of Ambassador Extraordinary privileged to enjoy fully all rights granted to members of this exalted order among which is the unique privilege to propose the following North Carolina Toast in select company anywhere in the free world: Here's to the land of The Long Leaf Pine, the summer land where the sun doth shine, where the weak grow strong and the strong grow great, here's to down home, the Old North State.

Among the honorees, esteemed individuals include our former Town Attorney Bob Blythe and former mayor and commissioner Sarah McAulay, who is here with us today, alongside other notable figures from North Carolina including Maya Angelou, Billy Graham, Andy Griffith, Junior Johnson, Michael Jordan, Dean Smith and Bob Timberlake. Additionally, distinguished friends of the State of North Carolina are recognized such as Gerald R. Ford, John Glenn, Colin Powell and William H. Rehnquist.

Tonight, we would like to introduce Benson C. Hoyle for the presentation of The Order of the Long Leaf Pine award due to his exceptional service to the state of North Carolina. Mr. Hoyle has dedicated over 33 years of his life to serving the people of this great state and has made significant contributions to the criminal justice field.

Mr. Hoyle is a highly respected leader and has served in various leadership roles throughout his career. He has demonstrated exceptional professionalism and a deep commitment to the betterment of the communities that he has been associated with. His outstanding leadership skills have been instrumental in advancing various organizations and departments across North Carolina.

Mr. Hoyle started his career in 1984 and served in several cities across North Carolina including Waynesville, Lincoln County, Huntersville, King, Mt. Holly, Cornelius and Huntersville once again. In each of these communities he has been a dedicated public servant working tirelessly to improve the lives of those he served.

Mr. Hoyle's years of service in North Carolina have been marked by outstanding achievements and garnered recognition and awards from various organizations. In addition to his exceptional professional achievements, he has served on several boards and committees including the North Carolina Association of Chiefs of Police and is a long-time member of the International Chiefs of Police.

Mr. Hoyle is a graduate of Western Carolina University with a Master's Degree in Criminal Justice, and Methodist University with a Master's Degree in Justice Administration. Mr. Hoyle has also graduated from the Southern Institute of Policing at the University of Louisville.

Mr. Hoyle's character is exemplary, and his colleagues and the community highly regard him. He has consistently demonstrated high integrity, compassion and dedication in all his endeavors. His commitment to service and leadership has inspired many and he is a true asset to the state of North Carolina.

In conclusion, we proudly present Benson C. Hoyle with the North Carolina Order of the Long Leaf Pine award. His dedication, professionalism and leadership have been exemplary and he is highly deserving of this honor.

Benson C. Hoyle said I couldn't pass up the opportunity for them to have to listen to me one more time. If I don't look like I'm blushing right now, I'm going to tell you I never will because I am so humbled.

A lot of you in this room may not know, but I started here in Huntersville in the mid 80's, a lot going on, had an officer shot. I actually replaced him after he got shot. There was a lot going on, a lot of turmoil. The lady sitting in this room, Sarah McAulay, Mayor McAulay to me, she called me to her office one day after the chief got fired, who I was his second in command, and I thought I was next. She said I want you to be the police chief and I thought she had lost her mind. I was 26 years old. She said I'll make sure you

get the training you need. That lady was amazing to me, and she made sure I went to the Southern Police Institute, I got the training I needed. She put me in touch with the right people.

Huntersville has always been a special place for me. I left, went around the state and did some different things, wound up back in Huntersville to get an opportunity to retire here after all that. I just can't tell you how much this town means to me personally and to see all these people, especially my board up here again. I've been before them arguing stuff for so long and it's good to just come up here and say thank you for a change. I really appreciate it and I'm very honored.

Kerry Edelstein, 8810 Camberly Road, said when I filled out the form it said what concerns do you have and I wrote none, I am just here to express gratitude. I've gotten to work with all of you and I don't know if the people in this room know this, but as we were working through the redevelopment proposal for Birkdale, every single person here took time to talk to me one on one. Whether or not I agreed with you, you all took the time and I deeply appreciate that. I wanted to thank you for your service. I know this is a lot of work for very little compensation and sometimes a lot of cyberbullying and I want to really thank you for taking the time and putting a commitment in to serving our community. And to the new people, you're amazing. I've already gotten to meet some of you and look at the crowd you already drew. I'm so excited to work with all of you as well. Thank you for serving.

Ashley Wiley, 12435 Treasure Cove, said to simply express gratitude to you all seems insufficient in this moment, but transitions often leave us at a loss for words as we have considered all that has transpired. You guys have taught every member of this community wonderfully. You've improved Huntersville. You've made a difference in the life of everybody around you and that is a hard but worthy achievement. You guys have truly made an impact from the smallest to largest, youngest and oldest among us and I can never tell you thank you enough. While some of you are going on to run for different office and some of you aren't, please take everything that you have learned and make North Carolina better. Make whatever you do better and know that we all love you and we all support you and we're all so thankful for everything you've done, every one of you.

Jeff Sny, 13945 Old Vermillion, said as a citizen I would like to thank each one of you for your time and your dedication that you gave to this town. It certainly takes a thick skin to sit up there on the dais and do what each and every one of you have done for your term and/or terms as it were. Occasionally I found some of your decisions and actions overtime be super soft and I've certainly let you know. A couple of times, though, you took a very hands-off sort of not my pig, not my farm approach. That's a phrase my grandpa used to say a lot. Overall, though, I believe it's clear that you had Huntersville's best interest at heart. That's what I always expect of my electeds, and that's what I appreciate about you. As the chair of the Planning Board and on behalf of my Vice Chair Frank Gammon who is in the back there and the rest of my board members, it was an honor to partner with every one of you. To the incoming board members, sincere congratulations on doing what you have done. I will tell you we are dying to have a Planning Board meeting as they have been canceled this entire quarter due to the election, so please start calling for some public hearings ASAP. I'd also like to finish by sharing something with the incoming board that was shared with me when I started serving in an advisory capacity for the citizens almost 9 years ago. I was told to take my personal emotions and my agendas that I may have, put them in a box, set that box aside, and get to work for the citizens. So pitter patter.

BeeJay Caldwell, 14521 New Haven Drive (Juanita Rann, 11521 Lottingly Drive, deferred her time to Ms. Caldwell). *Refer to written comments attached hereto as Exhibit No. 1.*

Amy Hallman, 100 Cambridge Road (Gatewood Campbell, 104 Interlaken Place deferred her time to Ms. Hallman), said I am so grateful to this board. Anyone who says it's been pro-development is unknowledgeable. To say two years is not a very long time, but you guys got a lot done. Thank you for removing the TOD in downtown unanimously. It was the right thing to do.

Lance, I appreciate our positive strides. There's a lot wrapped up in that statement and I know you know. Thank you.

Derek, I have good memories also, back to the time we did that commercial together for a different candidate. Thank you for recommending me to HOAB. I wish you well. Keep rocking those gym photos.

Rob, you and Kristen know how much I value your leadership. For you to commit with Amber to go to Pottstown once a month to listen to residents and bring them solutions is a first. To get \$200,000 in the budget for sidewalks for Pottstown for the residents that asked for them is commendable beyond words. Those meetings were never talking points for y'all. Your selfless representation at CRTPO. I am honored to call you my friend.

Dan, you are our family and Christy Clark understood that I felt that way before she filed to run, and I appreciate her very much for that. Your heart for this town is unparalleled. Your fingerprints are all over the traditions in this town – the genesis of the 150th celebration, LaLaCaboosa, Latin Night, the list goes on. Who will compare to your philosophy of “wake up every day and do something for someone I don't know?” You embody the qualities we need in a leader in this town, and I thank you from the bottom of my heart.

As dedicated as I am to this town no matter who is on this board, thank you Aneralla and previous board, I am particularly grateful to have righted the wrong on the sliver. The new town hall on this property is a forward thinking, fiscally responsible investment in our town. The town hall is not expense - line it up on the correct side of the ledger. It will connect the greenway and Veterans Park, it will house the entire staff, it will eventually provide downtown public parking, and it will be available for growth for at least 50 years, you know since we are the hottest zip code in the area. Now, we are going to have to keep the roof repaired and maintain the pressure washing, but we should be good. Our children and maybe even our grandchildren will not have to think of building another one. In my lifetime I can remember four, and that Kathy Jones might tell me the number is actually five, town halls in Huntersville in my lifetime and I'm not as old as I look. Thank you Rob, Amber, Stacy and Dan for being part of that. Even Commissioners Munger and Partee acknowledged this option was ideal, even if they didn't vote for it.

To the incoming board, you are a pack of strong, individually minded but certainly teamworking folks. To the never-been-electeds keep that belief about you. Do not be strong armed nor insulted nor bullied nor sweet talked into any decisions and I am here for you. I look forward to the county and state party people getting out of our politics so we can get to real work. You guys can do it without them. Also, I am proud that Save Downtown Huntersville hasn't engaged in the mud-slinging and vitriol and tried to call it facts or opinion. And if I've learned anything this year it's that if we consider that acceptable, I've been leaving a lot on the table. If we don't, I challenge an incoming board member to call down his friends, even the anonymous one. Let's clean up our dialogues and conversations. I still have hope.

To Amber and Stacy, there is never enough time to remind people what wonderful things you have done for this town and its people, but in the coming months it will become evident even to those who won't acknowledge it. Every time you drive under that light at 21 and Northdowns, know you did that. You didn't wait for NCDOT. Every time you drive down 115 by Plum Creek, know that you helped those

residents resist the sometimes impractical connectivity. You understand that one size does not and should not always fit all. Stacy, the animals you helped are innumerable and when we get that magistrate here, that's you. Every life saved in town with Narcan, you. Amber, you deserve to still be seated at this dais later tonight. But I admit I'm a little giddy that I get my founder partner back to work with me.

Finally, ladies, I will say this. Don't let anyone ever steal your shine. They cannot have it. When someone calls you some kind of squirrel squad again, remember you own that. Be the women that you are and turn negativity into a positive. I know you can do it because I've been by your sides this entire time. I have heard your excited utterances in real time. You two have handled yourselves with grace and mostly poise. You've done it all alone up there. Don't you ever let someone snatch your crown. It is yours, you wear it. Jealously ain't worth your time. Don't you go and hide. Shine, women, shine. Keep fighting for the best for Huntersville, because you are a big part of what's right with it.

AGENDA CHANGES (CURRENT BOARD)

Commissioner Phillips made a motion to adopt the agenda.

Commissioner Munger seconded motion.

Motion carried unanimously.

CONSENT AGENDA (CURRENT BOARD)

Approval of Minutes. Commissioner Phillips made a motion to approve the minutes of the November 6, 2023 Regular Town Board Meeting. Commissioner Kovacs seconded motion. Motion carried unanimously.

PUBLIC HEARINGS (CURRENT BOARD)

None

OTHER BUSINESS (CURRENT BOARD)

None

RECOGNITION OF OUTGOING ELECTED OFFICIALS

Mayor Bales recognized Dan Boone. You have served our community for 8 years and I have been honored to serve alongside you. I have to tell you that Commissioner Boone loves this community and every single time there would be an item on our agenda, we would walk properties together and I don't know how many times we did that, because we always understood that boots on the ground, because topography matters and where development happens matters and how it is situated matters. He's done it quietly, he's done it consistently, and he has been a strong voice not only for who Huntersville can be, but who Huntersville was in regards to our history. I greatly appreciate you and it has been an honor to serve with you.

Mayor Bales recognized Rob Kidwell. Commissioner Kidwell and I have had the honor of serving this community for six years total together. And it's not always been easy. We've been opposite sides of

decisions at times. But you are my friend and I greatly appreciate you and the work that you have done on behalf of this community. The work that you have done has always been in the best interest of the whole and I greatly appreciate you. To the residents of Huntersville, each and every person that's coming up tonight, I've watched them do the work. I've been on the phone with Commissioner Kidwell at 9:30, 10:00 at night talking about an issue that's upcoming.

Mayor Bales recognized Commissioner Kovacs. Commissioner Kovacs is the newest to serving in Huntersville and I have to say I have thoroughly enjoyed working with her. She's sincere, she loves our community, and I've just enjoyed some of the shenanigans....that is always fun. She really does embody, and I continue to say this about each and every one, a love of Huntersville and you are probably the newest of all of us to Huntersville, but it gets in your blood, and I think we bleed green, and I just want to say thank you.

Mayor Bales recognized Commissioner Munger. Commissioner Munger and I have served together four years now and I have thoroughly enjoyed working with you. We've been on different sides of issues. We've bantered back and forth. But at the end of the day, I can call you friend and I greatly appreciate it and I want to say on behalf of the citizens of Huntersville, thank you for service.

Mayor Bales recognized Commissioner Partee. You joined us this last term and the expertise you brought to the table in regards to policing and being a first responder truly did add value to the conversation as we walked through these last two years. I have to say personally, and on behalf of our community, thank you for your service. It truly is appreciated.

Mayor Bales recognized Commissioner Phillips. We have known each other for 14 years, a long time. We were friends first and having the opportunity to serve with Mayor Pro Tem Phillips over the last four years has truly been an honor. She loves this community. It's the community that she was raised in and so many times she has given back and so many people don't know about it. She's a quiet strength and I greatly appreciate you. She has been an anchor. Mayor pro tems need to be that, and she has worked diligently to meet the needs of our community. We haven't always agreed and I think that's what makes everything work, makes what we do here work. It's a mutual respect for one another. And now we get to swap.

Commissioner Phillips recognized Mayor Bales. I have known her for 14 years. For 12 of those she has served with a Phillips. God bless this woman, we are not easy people. It has been an honor getting to be your mayor pro tem and I think that it's really beautiful I get to go out this way. Having two strong female leaders who don't agree, but still respect each other, has set a tone for this town that I am really excited for the next board to follow. I'm not going to say much more because I'm going to start crying, but I truly appreciate you and your service.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS (CURRENT BOARD)

Commissioner Partee said I just want to say thank you to my friends and family and to the community here in Huntersville. It has been a fantastic 2 years and I hope I served this community with diligence and with the experience that I come forth with. I also want to thank the Town management – Anthony, Jeanette and Bobby, you guys are the goats. The greatest of all time. And the employees. I want to thank them also because without them we wouldn't have the quality of life that we appreciate. Congratulations to the incoming board. Congratulations to Mayor Christy, soon to be Mayor Christy. I'm looking forward to their administration and this town will be better for it.

Commissioner Kovacs said what a wild ride. Meeting and representing the residents of Huntersville has been an honor and something that has become part of my identity. I thank you for your trust in me for those 2 years in letting me work for you for this beautiful town. I will still continue to advocate for your needs and for the town that we love. Our staff really is bar none and I'm thankful for each and every one of them who beared with a new commissioner and all her questions and crazy ideas, and sometimes they ran with them. Anthony, you get a break from my calls for now, but I'll come up with some reason to call you. Jackie, if I have number questions, I know where your office is and I will be there. Catherine, I'll still find ways to annoy you to stop by to pretend to check the mail or something. And Janet, keep being the best treasure this town has.

Representing the town on the Lake Norman Chamber of Commerce allowed for some of the most fun that I've had while working and I'm thankful for being a part of that board. And I owe you, Bill Russell, a special thank you for never letting me be the commissioner to say no report, even when I was the only one.

Getting to work with some of these board members that have become family has been an incredible gift and I will miss seeing them as often as I'm used to. You weren't just co-workers to me, but brothers or sisters, teammates, a cheering squad, teachers, reality checkers, numbers spewers, Lance, and much, much more. You helped me work out my thoughts, calm me down, hyped me up and overall made me a better commissioner. Our job may be done but our friendships aren't.

To my friends on the incoming board, enjoy the ride and the amazing people you will meet along the way. I know you are going to do a great job, but don't forget to breathe. Congrats.

Commissioner Munger said I asked the Mayor if there was any time limit on how long I could speak tonight. She said no, and you all thought you were getting out of here by 8 p.m.....suckers.

Let's have some fun. Way back when, when I was a teenager, I used to watch a TV show called "Night Court" and one of the characters on that show, played by Selma Diamond, used to have a catch phrase "I laughed, I cried, it became a part of me." At that time, we used to think it was a pretty clever thing to say to people as an amusing anecdote. Later in life, after experiencing more challenges and hopefully gaining some wisdom in the process, it became something you could use to reflect on the things in life that truly mattered or that helped make you into the person that you are, for better or for worse. I can tell you that having spent 4 years on this dais, working through issues, sometimes collaborating and sometimes arguing with the people on this board and my first board, listening to residents, working with applicants and staff, there is not a single doubt in my mind that when I reflect back on all of it, I know "I laughed, I cried, it became a part of me"..

I have a lot of people that I would like to acknowledge here tonight, so I hope y'all can bear with me, but first I want to start with two pieces of equipment in this room.

The first one that I would like to acknowledge is that clock. It is never right. It's sometimes off by minutes, sometimes hours. How are you always wrong? And sometimes you're not even there, where do you go? I will not miss you clock.

The second piece of equipment that I would like to acknowledge here is the one that gave my voice volume and helped me to deliver my thoughts, my sarcasm, my diatribes, and my occasional 58 questions.....microphone I am going to miss you and lest I forget your little button that has helped make

sure no one ever heard me say fornicate, defecate, shazam, or why the face, and you know I wanted to. I'm going to miss you too button.

Now on to the more important acknowledgements. The first group of people that I would like to express my gratitude to are the members of our town staff. Without you, this town would flounder. You all have overachieved in every sense of the word. I wish I could have done more to help you get the recognition that you truly deserve, and I wish I had gotten to know more of you better, but for now I would like to recognize a few of those who I have managed to get to know the best.

Catherine Cook – In many ways, you are the gateway to our town. Whether it be for people walking into this building or the people calling in. You are often the first interaction that residents have with town hall, and I couldn't think of a better person for them to interact with. Thank you for your sunny disposition and your charming wit.

Tracy Houk – Whether it be helping to guide our Public Arts Commission to become an effective and efficient board, helping to organize our hugely successful Wine on the Vine, or giving everything you have to help pull off Hello Huntersville. I appreciate everything you do for our town.

Michael Jaycocks – I don't know why, but it never occurred to me to go out and find money from corporate sponsors for things like benches, art installations, parks, greenway trails and the many other things that you have managed to pull off with amazing skill. You truly are the definition of "thinking outside of the box." Thank you for helping to make Huntersville more beautiful.

Larry Davis – The fact that you were pretty much able to fly under the radar during my two terms speaks volumes to your abilities. I will miss our occasional commiserations on the life of being an IT manager.

Stephen Trott – I feel like we always managed to have a good banter in our various meetings, whether it was for the Town Board or the Ordinance Advisory Board meetings. Thank you for always being prepared for my random questions and your guidance on subjects I never thought I would need to know about.

Brian Richards – Mr. Richards, you have some very big shoes to fill. It has been wonderful getting to know you. I appreciate your extensive knowledge and your candor. When you're in politics, it's always nice to have someone cut to the point and give it to you straight. Just make sure you don't blow off any of your fingers in the first week of July, you might need them.

Kevin Fox – Of all the people who I thought I might end up being friends with, I was just like there is no way that this guy wants anything to do with me. I'm not sure when it occurred, but on more than one occasion you gave me the encouragement that let me know I was on the right track, at the exact moment I needed it. It helped push me forward on some of my arguments. Thanks for just being a really good guy.

Jack Simoneau – If you are here or listening to this online, stop! Go on vacation man! I still remember one of the first times I interacted with you, and you spoke passionately about Impact Fees. I knew right away that you had a good head on your shoulders, and we would get along exceptionally well. Thank you for your many years of wonderful service to our community.

Bobby Williams – You do an amazing job of keeping us informed on a wide range of activities occurring in our town. I especially appreciate all the work you have done relating to the Colonial Pipeline spill. You are always an absolute pleasure to speak with. I will definitely miss that.

Major Brian Vaughan - Your smile and glowing personality are absolutely contagious, never change.

Chief Barry Graham – You have proven yourself to be an outstanding leader of our largest department. Your ability to articulate public safety needs in terms that we could all get behind quickly were greatly appreciated. I know that the safety of our community will always be in good hands with you at the helm. I just hope that going forward, you will get all of the resources that your department desperately needs. Thank you for your service.

Jackie Huffman – Number Crunchin’ Legend! I have always thought of myself as being a bit of a savant when it comes to numbers, but you absolutely put me to shame. I can’t remember exactly when it happened during my first term, but I quickly figured out that when Jackie says that’s the number, you better believe that is the number. At some point I still want to grab a beer with you, because I gotta believe that Jackie unfiltered has got to be a hoot!

Janet Pierson – You are the glue that holds this town together. You were also my best guide as to whether or not I was doing the right thing. If you gave me side eye, I knew I messed up and if you smiled and nodded at me, I knew I was on the right path. If and when you decide to retire from the Town of Huntersville, I absolutely want to be there to celebrate your many years of wonderful service to our community.

Emily Sloop – You really are in one of the most important and impossible positions up here. It’s an incredible balancing act of guiding a group of novices through a legal mine field, while making sure not to impart any personal bias on matters before us. Thank you for keeping us out of the courts and the headlines.

Anthony Roberts – When we sit up here on this dais, I believe that we all think of ourselves as leaders in one way or another at certain points. My friend, you are the true leader amongst us. You never seem to be caught off guard. Your easy-going demeanor in what I can only describe as utter chaos, just blows me away. You are always available, always knowledgeable, always aware, always moving forward with a vision for what could be and what should be. You are an inspiration to myself, others up here and many of the people watching tonight. Thank you for being the guide and showing us the way forward.

Next, I would like to acknowledge the people who I have had the pleasure of getting to know over the past 2+ years up here on the dais. And while I want to give a nod to commissioners Hines and Walsh who I enjoyed getting to know last term, my comments here will be exclusive to the crazy train we all enjoyed this term.

Commissioner Derek Partee – I appreciate the focus on Public Safety that you brought to the dais, your impeccable sense of style and a number of surprising instances where you listened to me and chose to support me when I was quite certain that I would be on an island by myself. I want to thank you for helping me to rally on certain topics that I was passionate about.

Commissioner Rob Kidwell – I hope this doesn’t cause people to shun you or look at you differently, but I’m going to let our audience in on a little secret. We’re actually friends in real life, we like each other. We have been to each other’s house, I know his kids, our wives have hung out together, we do all kinds

of things that friends do. We don't always agree when it comes to policy and the direction forward for Huntersville, but I hope you know I do respect your opinion and when we disagree, I know I need to make better arguments and when we both make better arguments, that results in better decisions for the people of Huntersville and I thank you for that.

Commissioner Amber Kovacs – What should I say. No, that's not the right word.....shall, not should, what shall I say about you? You've been like the sister I never had. We argue, we commiserate, and we laugh. I appreciate the passion you have for life and the many challenges you have managed to overcome to get here. It is my desire that at some point in the near future we will live in a society that helps raise up strong, confident women like yourself. We're not quite there yet, but I hope you never stop fighting and never let them silence you.

Commissioner Dan Boone – In many ways you have been a mentor to me. Whether it be by inviting me out to various locations that were under consideration for rezoning, involving me in the process of making motions, listening to my arguments or being open minded about a wide variety of topics. I sincerely appreciate that you were open to working with me. I still remember seeing you on election night in 2017, the numbers were in, you had been re-elected and I had lost on that night. You gave me a hug, and, in that instant, I knew that although on that day fortune wasn't smiling upon me, this was something that I could do if I tried harder. Thank you for imparting some of your wisdom to me.

Someone once asked me if I have ever regretted any of the votes I have made as a commissioner. I thought for a moment and then said we do the research, we listen to the people, we work with staff, we visit the locations and then we make the best possible decision that aligns with our beliefs and principles, so no I do not regret any vote that I have made from this dais. Well, I'm going to tell you tonight that I lied when I said that. I do have one blemish on my voting record that I do regret. You see almost exactly two years ago tonight I made a foolish vote based on anger. I was unhappy with the outcome of the election and I chose to lash out, and to her credit Mayor Bales asked me a second time to try to give me an opportunity to right a wrong, but I chose to double down and confirm my no vote. Mayor Pro Tem Stacy Phillips, if I was given 1,000 more chances to vote for you as mayor pro tem, I would vote yes a 1,000 times. To your credit, you never held it against me, but if you do have any lingering anger, I do hope you can find it in your heart to forgive me. You have been nothing short of spectacular as mayor pro tem, you have been one of my best allies, the person who has kept me sane up here, the heart and passion of Huntersville. I was an absolute idiot on that vote, and I never should have thought I knew better than the people of Huntersville who clearly spoke out to say that you were their choice. Thank you for being my friend.

Mayor Melinda Bales – What a long, strange trip it's been. You are probably the person I have gotten to know the best up here and I am quite certain that we have a lifetime of friendship ahead of us. It never ceases to shock me how much alike we are in the political realm, which just goes to show how little party matters at the local level. I look forward to watching your star rise, fortune favors the bold. Thank you for being the guide the Town of Huntersville needed during this somewhat tumultuous term.

To our new mayor and board members, I have thoroughly enjoyed getting to know each and every one of you, some over the course of years and some for just the past few months. I couldn't be more proud of you all if I tried. Clearly today was the right day for me to walk away. You are going to do a great job. You all have my phone number, use it whenever you need it, for my part, I'll do my best not to bother you, my time is done, this is your time. I will, however, leave you with one last "Lance-ism." Never be afraid to be the one. I'd be willing to bet that every single one of us up here can remember at least one vote that went 5-1, where we were the one. It means that no matter how hard

everyone around pushed or cajoled you, you stood your ground, held to your principles, and refused to give in. Wear that badge with pride.

The last person I want to recognize is the single most important person in this room, bar none, my wife. What you saw when you looked on the scratch and dent rack and found a smoker with bad hair and a bad sense of style who drove a sweet yellow Mustang, I will never understand, but I thank my lucky stars every day that you did. You lift me up when I need it and put my ego in check when it needs to be, which let's face it, happens fairly often. I love you to the moon and back. I never could have done any of this without you. Thank you.

In the end it is my sincere, albeit selfish, desire that someone out there listening, whether it be one of you here or someone watching online, hopefully at least one person, some years down the road, looks back on this night and the things I have said and thinks to themselves just one very simple thing "I Laughed, I cried, it became a part of me." Good night, Huntersville.

Commissioner Boone said my heart is filled with mixed emotions of only a perspective of bidding farewell invokes. It is a bittersweet sentiment that I address you as my journey of the last 8 years as a town commissioner comes to an end. These years have been nothing short of a remarkable chapter in the book of my life. Serving as a commissioner has been challenging, yet immensely rewarding, but also times of difficulty and tough decisions to be made. Working as a town commissioner was more than just a duty. It was a labor of love. The community became an extension of my family with the responsibility shouldered or akin to those of a dedicated parent. We faced hardships together. We celebrated successes together and navigated the complex landscape of civil service with the shared commitment and passion for our town's well-being. In the end it's always been about the community. Our principles of fairness, justice and the potential of a bright future. The challenges were tough and the decisions were often weighty. But every action was taken into a sincere belief that it was for the greater good. As I step away from this role, I will carry with me the memories of the comradery we shared, the obstacles overcome, the progress we collectively achieved. I will not miss knowing the next chapter of the town's history and how it will unfold – not the projects, but what I will miss is the individuals that I've worked with. How will Evan's senior year turn out. What happens to Drew and Lucas after their education is finished. How did Chloe's birthday trip go on a Disney Cruise, and the next chapter of the catfish man, where does that start now. That's what I'm going to miss. To my fellow commissioners, to the dedicated Town staff and to the citizens that have been a part of this journey, I extend my deepest gratitude. It has been my honor and privilege to serve alongside you and I am confident that the Town will continue to flourish under the capable hands of the new mayor and the new commissioners. This farewell marks the end of my official role as a commissioner. My heart forever is intertwined with the heartbeat of Huntersville.

Commissioner Kidwell said to the incoming mayor and board of commissioners, I truly wish you great success as elected officials. As legislators for the Town of Huntersville you will need to hit the ground running and be prepared to make a decision that benefits 65,000 individuals who call the Town of Huntersville their home. Remember the needs of the many will always outweigh the needs of the few and be careful of making decisions that bring unintended consequences. As from experience, that can happen. To my colleagues on the dais tonight, we close a short chapter in our lives and that means we get to start another chapter and that's very exciting. This experience has taught me that when one door closes, begin looking for the next opening. As our dreams and aspirations will not chase us, we must chase after them and never stop moving forward. If you can't find a door, find a window or just knock a hole in the wall and go for it. This also applies to all of you that ran this past election and came up short.

Commissioner Partee – Thank you for the service to our town and I wish you the very best in your next chapter. I have no doubt that you are not done serving the community and I wish you the best in that.

Commissioner Dan Boone – It has been a pleasure to serve with you, sir, and thank you for all your conversations and level headedness that you brought to this board and to the town over the years. Your leadership will surely be missed by many and we are still lucky to have you as a member of the St. Mark Catholic Church and the Olde Huntersville Historic Society. I look forward to raising a glass to you later.

Commissioner Amber Kovacs – Over the past two years I've watched you grow as a legislator and as a person making a positive impact on and in our community. As a parent with two young children myself I know the sacrifices you made to serve this community. It did not go unnoticed by me or others. Please continue to stay involved and be an active participant in our community. I know you have a lot more to give to the people of Huntersville and we all look forward to seeing you accomplish that. Stay whiskey bent and hell bound and always know the difference between should and shall.

Mayor Melinda Bales – I have served along your side the longest and we have had many, many spirited discussions and on occasion a spirited drink. Thank you for all that you have done for our community and will continue to do for our community and the state of North Carolina. I have been proud to call you my commissioner, my mayor, but proudest to call you my friend.

Commissioner Stacy Phillips – My sister from another mister. I don't think you'll ever know how proud I am to have served on your side and by your side. You have brought great distinction to the role of commissioner, an advocate for this community. You called it like it was and it didn't matter who you directed it at, even if it was me. You are already doing great things outside of this position and it is just the beginning. What you may not know is the positive example as a role model you have been for my daughter, your niece and that is immeasurable in my opinion. If I must walk out this door tonight and leave this seat behind, I'm proud I get to walk out that door with you. I'm proud to be called your brother. I love you.

Commissioner Lance the blemish Munger – To paraphrase Dorothy from the Wizard of Oz, I think I will miss you most of all Scarecrow. We have had our lively discussions over the years but there's not been another person on this dais in my years that has challenged me like you. You may not have known this, but those discussions allowed me to grow as a commissioner and as a human. I am grateful for that. God speed to you as you move on and please stay in touch.

To the spouses, significant others, friends and families of my colleagues sitting next to me tonight and those about to be brought up here, thank you for sacrificing time spent with them so they can help guide and direct the Town of Huntersville. You are so often required to sit at the sidelines, stay quiet and watch as the ones you love take the good, bad and ugly to serve their community. I know it's not easy. Because of that sacrifice, you deserve your own separate recognition not only from us but from the entire community of Huntersville.

To my wife Kristin and my two children at home, thank you again for allowing me this opportunity to serve our community. I know it's been difficult at times not having your husband there to help put the kids to bed at night or daddy missing parent/teacher conferences and school events due to board meetings and other commitments that this job has required. I want you to know that of all the titles I could ever hold, husband and father are by far the two most important and greatest.

I would also like to thank the staff members of Huntersville for your dedication to the town. The new board is lucky to have your experience and help as they begin. I could name each department and person, but that's been done multiple times tonight, but thank you all.

To the community of Huntersville, thank you for allowing me to serve in some capacity for nearly a decade. Six of those as your Huntersville Town Commissioner. Good night Huntersville. God bless and have a very merry Christmas.

Commissioner Phillips said every time I have sat on this dais for the last four years the first thing I do is when we are in our moment of silence, I've prayed that God be the one who has me doing his will and not my will. I'm grateful that even when I have voted ways that people have not supported it, I know that I've done what I felt was morally right even if I went to bed feeling kind of bad about it because I got cussed out or fussed at or asked why and that's a feeling not many people have unless they have sat up here. Sometimes it is the best thing in the world and sometimes it has not been the best thing in the world, but it's been an honor having the support system up here who you can go to because even if you get into it up here and you want to wring each other's necks, that's somebody who is you're bonded for life because you've shared this opportunity.

I didn't write or prepare anything because I knew that I couldn't read off paper with my eyes getting blurry and ended up sobbing and crying, I don't like to share much. They've said it all and I'm taking off of here personal relationships where I feel like the last two years, four years or 12 years I have told you along the way how much you mean to me and that I appreciate you because this has been an rewarding experience. I got involved with the town business when I was 18 years old and I'm in my 30's now, so this is something that's been part of my whole core my whole life and getting to share my love of Huntersville with other people who actually have the same love, that's been an honor.

To the people in this town, thank you for caring. It is awesome when people are kind. When they are not kind, I hope that the next board can power through and support each other like we have because you are starting your own new class and I'm excited for you to have this experience because you guys worked very hard.

There are two former elected officials in the room I want to thank. Charles Guignard, Sarah McAulay – thank you for always being there for me, for guiding me, for listening to me or even telling me I've done something maybe not in the best light because I know that you two have had the best heart for this town and you've done that because you continue to do the best for the town. That's why you two are sitting in this room. To my friends that came in this room with me when I first got sworn and my friends that are walking out of here with me, thank you. The town has given me so many blessings and honors and some of you guys sitting in this room right now are those. And then my family, my gosh thank them. They have been through the wringer. It's not been easy and I'm getting ready to turn this mic off because I was super-duper excited that the only title that I carry going forward is Aunt Stacy. Thank you guys so much for supporting me over the years.

Mayor Bales said as I have reflected over the last 12 years of service, there's a few things that I have noticed. We rarely take the time to look back at the work we've accomplished. The work is never done and my goodness I love this community. We've completed wonderful things in our community that have added to the quality of life of all of Huntersville and I want to share just a few of them with you this evening since we don't always look back.

We've completed the 2040 Community Plan where we pulled our community together to say how do you want our community to look.

We completed the Downtown Master Plan. We have completed other various small area plans like the NC 73 and Poplar Tent Small Area Plan or the Eastfield Road Small Area Plan or the Clark Creek Small Area Plan because you have to plan if you want an excellent community.

We welcomed new industry into our community. Countless new businesses like Oerlikon, Pester USA, Big Beverage, Daumar, Burkert, Nutec, KURZ, Subaru, Atom Power, and Southwire just to name a few. We've also had companies expand their footprint like Novant Huntersville, Forbo, Saertex and Metrolina Greenhouse. The truth is I can't list them all, but I'm proud of the work that we collectively have done to bring good paying jobs to our community that add value to our quality of life.

Over the last 12 years we've added new park space, like Veterans Park and the Rosedale Nature Park. We've expanded our parks by adding new ballfields, new tennis courts and pickleball courts and fields and synthetic turf to our soccer and baseball fields. We've added new greenways, along with a tunnel under I-77 and the future tunnel under Highway 21. Twelve years ago all these things were dreams and plans. We also added new playground equipment to our parks, and we cannot forget the Huntersville Recreation Center that's been built for indoor basketball, volleyball and pickleball, along with camps for our children in the summer months and afterschool care. We've added new events throughout the year to bring our community together. Just this year we had the opportunity to celebrate Huntersville's sesquicentennial, 150 years of rich history as a community.

As I look back over the last 150 years as we've kind of taken this year and gone down memory lane, what I recognized was that our community has always strived for excellence and education has always been a huge part of who Huntersville is. So we as a community have supported our area schools in a variety of ways from coat and food drives to our staff participating in speed networking events providing students with a look at what a career could be like in local government to where they could work right in their hometown. We've seen several schools, I know I have, built. Grand Oak Elementary, North Academy of World Languages, the replacement school for J. M. Alexander, Lake Norman Charter Elementary, Aspire Trade High School, Bonnie Cone Classical and Leadership Academy, and there will be more in the future with the replacement of Huntersville Elementary School, North Meck High School and a brand new middle school on Stumptown Road. We've also partnered with several schools to create additional gym and field space. Good work for our community for each and every resident.

We've planned for and have made infrastructure improvements. We've worked with NCDOT and invested Huntersville tax dollars to add additional lights and turn lanes and bike lanes and multi-use paths and again the tunnel under I-77 to be able to go east to west on the greenway Vine, the projects like Patterson Road Extension and planned project widenings of Gilead Road West and Stumptown Road Extension. I remember my very first planning workshop. I remember it vividly as we discussed the two-way pair project that many of you in this room know as the Main Street Project, or the Gilead/21 widening. Both of those projects have started finally and will be completed soon.....12 years.

One thing I've learned is when you talk infrastructure, you're typically talking millions of dollars and years of planning and implementation of the plans. And as someone who isn't always good at being patient, I've had to learn that when planning a road project it's going to take time, lots of time and lots of money.

Thank you to those who came out to support the Transportation and Parks & Rec bond packages that were on the ballot because without your support, those projects would stop.

We've also started the process to address workforce housing needs and I'm confident that this future board and the future of Huntersville will step up and meet the needs of our growing community.

That's just the tip of the iceberg of the things that as I look back over 12 years we've accomplished. And as a community we need to take a moment and reflect. We've added quality of life opportunities to our community.

There are so many people that I want to thank and a lot of them have already been thanked by the Board and I'm not going to get you all. I have to say from the bottom of my heart from the former staff members to the existing staff members, you are each exceptional people. It has been a true honor to work with each and every one of you from Planning to Police and everyone in between. You work day in and day out to put this community first and believe it or not we don't always agree, just like this board, and that's okay, because each one has Huntersville's best interest at heart. And I have learned from each and every one of you staff members and I greatly appreciate you all.

Janet is not here tonight. Janet is the rock. So future Board, she's the rock, the glue, she keeps us on task and I certainly could not have served all of these years without her.

Bobby Williams – Thank you. He is such an amazing individual and I just wanted to say thank you for the work that you did on the Affordable Housing and on grants and on everything that just kind of lands in your place from the ARPA funding to just everything. Thank you.

Emily Sloop – Thank you for keeping us out of trouble, for waving the flag, for being an excellent sounding board. Thank you for serving and representing our community.

Jack Huffman – It has been said she is the wizard of numbers. Take her numbers to the bank all day everyday. She's spot on. I just greatly appreciate you and the friendship that we have built.

Anthony Roberts – I'm probably going through withdrawals because we talk three or four times a day everyday. I guess I'll just have to call and say hey let's go to lunch and get caught up. Thank you for being the fearless leader of this wonderful community to being to where the buck stops and for helping us look at an issue and say how do we get over it, under it, around it, through it and we'll make it happen and that is who you are.

I would be remiss if I didn't take a moment to say to the board members that are currently sitting here and those that I have served with, former board members and mayors, Sarah McAulay, Charles Guignard, Danny Phillips, Charles Jeter, Ron Julian, Jeff Neely, Rob Kidwell, Mark Gibbons, Dan Boone, Brian Hines, Nick Walsh, Stacy Phillips, Lance Munger, Amber Kovacs, Derek Partee and Jill Swain and John Aneralla. To each of you I say thank you. We never serve alone and it wasn't always easy with so many differing opinions, but I am grateful to have been able to work alongside each of you as we faced the challenges of moving Huntersville forward together. You each taught me a lot and I'm grateful.

From the beginning I strove to serve and lead with honor, integrity, honesty and humility. When I was first elected in 2011 the population of our community was 42,000 and I deeply felt the weight and responsibility to represent all 42,000. I would remind myself and others over the years that we represent those who voted for us, those who didn't vote for us and those who didn't vote. And as I sit

here today I feel the same responsibility and the only thing that has changed is the number of residents who reside in our community.

To my family, my husband, my children, thank you for letting me serve. I wouldn't have been able to do it without you. And lastly to the residents of Huntersville, thank you for allowing me to serve and represent you for the last 12 years. Thank you for trusting me to represent you as a commissioner, as mayor pro tem and as mayor. It has truly been an honor and a privilege and it's one that I have never taken for granted.

To the new board, to the new mayor and board, I say lead with honor, integrity, honesty and humility. Do not serve for self but serve for the rest of us. Listen to our incredible staff. They are here to work on our behalf and to be your ally and gird you up. Always put this community first, strive for excellence and add to the quality of life in our community. Thank you all for taking the time to listen.

And one last time I would very much like to say good night, Huntersville.

Mayor Bales called for a 15-minute recess.

INSTALLATION OF ELECTED OFFICIALS

Judge Reggie E. McKnight administered the Oath of Office for Mayor to Christy Clark.

Judge Reggie E. McKnight administered the Oath of Office for Commissioner to Alisia Bergsman, Amanda Dumas, Jennifer Hunt, Edwin Quarles, LaToya Rivers and Nick Walsh.

Mayor Clark said we have a little bit of business tonight, but before I begin I want to just take a moment of personal privilege to thank the Town staff for all their support and onboarding us as we start our new roles and to thank our friends and family for supporting us as we take on this big challenge together. And, of course, to thank our outgoing board for their dedication and service to the Town of Huntersville. They have been invaluable and they had big dreams and we hope to carry forward their big dreams as well. As a new board we are excited to continue to work together to support our town. Over the past few months we have become a family and our family now includes all of you, too. Huntersville is our home and without reservation we want to make it the best town it can be and make decisions in the best interest of our town and with your help we can build a robust and beautiful town of which we can all be proud. Our door is open, and we welcome you and your involvement and your ideas. Thank you and thank you all for being here and supporting us tonight.

One of the first things we did as a Town Board was decided to go digital with our agendas, which is something new to save paper.

AGENDA CHANGES (NEW BOARD)

Commissioner Walsh made a motion to add as Item 16.F – Consider approving budget amendments in the amount of \$1,112,130 to fund a municipal fire chief, 18 full-time municipal firefighter positions, and related line items from January to June in Fiscal Year 2024.

Commissioner Quarles seconded motion.

Commissioner Dumas said I've been in favor of this. I'm really excited about the opportunity to add that to the agenda.

Mayor Clark called for the vote.

Motion carried unanimously.

Commissioner Walsh made a motion to adopt the agenda, as amended.

Commissioner Bergsman seconded motion.

Motion carried unanimously.

NEW BUSINESS (NEW BOARD)

Election of Mayor Pro Tem. Commissioner Dumas made a motion nominate Commissioner Jennifer Hunt as Mayor Pro Tem. She was the top vote-getter during the past election and it is a tradition in Huntersville and she is exceedingly qualified to do so.

Commissioner Bergsman seconded motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Meeting Schedule. Commissioner Quarles made a motion to adopt the 2024 Town Board Regular Meeting Schedule.

Commissioner Rivers seconded motion.

Mayor Clark called for the vote.

Motion carried unanimously.

2024 Town Board Regular Meeting Schedule attached hereto as Exhibit No. 2.

Appointments to Various Boards and Committees. Commissioner Hunt made a motion to approve the various board and committee assignments as presented.

Commissioner Bergsman seconded motion.

Mayor Clark called for the vote.

Motion carried unanimously.

Appointments attached hereto as Exhibit No. 3.

Presentation of FY23 Financial Statements. Pattie McGinnis, Finance Director, introduced Cameron Lackey from Martin Starnes & Associates to give an overview of our FY23 audited financials. These

financials will be on our website at the end of the week, and I can email you an email version of the financials. We don't have the paper copy right now. We will get those hopefully next week. If you want a paper copy, I'm more than welcome to put that in your book. But if you will just send a quick email yes I want a copy, that way I can put them in there for you. The financial statements are a great resource of the Town's overall financial position, however if you do have any specific questions at any time you're more than welcome to email myself or Jackie Huffman with questions.

Cameron Lackey, Martin Starnes & Associates, presented PowerPoint of the Town of Huntersville 2023 Audited Financial Statements. *PowerPoint attached hereto as Exhibit No. 4.*

Let's start out with our audit process. Every year this is kind of an on-going thing. As soon as we finish with one audit, we roll right into the next year's audit. Our process starts off with the planning and risk assessment. That begins as soon as we finish the audit for the prior year. We'll go through our interim processes which we normally split it up into two parts. Through our interim process we get an idea of your internal controls which are the things the town would do to ensure that all their compliance is being met and all of their rules are being met. We'll go through those and kind of double-check to make sure that Huntersville is doing the things that they are supposed to be doing to make sure that everyone stays in compliance.

After our interim procedures we'll have a final field work. That is the majority of where our work happens. It's where all of the heavy lifting is going on. At the end of our final field work we have this exit conference. The exit conference we basically go through any outstanding issues, which there were none this year. Everything was very good this year, so there was not much to talk about there. After that exit conference we will issue our opinion after wrapping up our financial statements and having Pattie and Jackie kind of review and then we'll submit to the LGC, which Huntersville has been submitted to the LGC.

Here's our audit highlights. You guys were issued an unmodified opinion or a clean opinion. That means everything was good. There were no issues that we found. Your performance indicators is something that the LGC started doing a few years ago. There were no performance indicators to say that there's anything wrong. You guys do self-reporting so that was the only one. Then as far as GASB the new changes for this year, there was the GASB 96 for subscriptions.

Here's a look at your expenditures in which we'll go in a little more detail about that a little bit later. The main thing to take away from this is that you're actually under budget by \$29 million and the majority of that \$29 million comes from Public Works. Public Works was \$22 million under budget and most of those expenditures or most of that budget is going to roll over into the next year to cover those expenditures.

Logically after your expenditures is your revenues. As you can see there, your revenues were over budget by \$6.5 million. Most of that is coming from your local sales tax and investment earnings going up this year, which makes sense with COVID happening the last few years there wasn't as much travel and I've been seeing interest rates start to rebound with COVID being I'm not going to say over, but trying to rescind those COVID restrictions.

Here's a summary of your general fund. Here's your revenues and your expenditures which shows a positive net change. What that means is that your Fiscal Year 23 appropriation fund balance did not get touched at all because you had more revenues than you did expenses. You had planned fund balance

appropriation of \$29 million, but like I said that did not get touched at all because your revenues were over your expenditures.

Here's the page that everyone has been waiting for, the fund balance. If you look at the top, there's your total fund balance, minus your non spendables, which you want to take those out, your Powell Bill restricted cash, your stabilization by state statute and then you come to your available fund balance which is what everyone cares about. That's the part that's not restricted by anything else. As you can see, your available fund balance actually did increase over last year. I can't really say whether that's good or bad. That's kind of a decision for the Board to make whether or not they need to spend more or if that's fine. The increase was about an 8.9 or 9 percent increase.

Available fund balance as a percentage of the expenditures and transfers out. As you can see once again your available fund balance went up, which is basically the same thing it said on the last slide, we're just showing it as a percentage.

If anyone does have any questions, I realize that they actually misspelled my email address on there so it's clackey. Pattie also has some business cards if anybody would like to have one we can get those to you.

Huntersville Fire Department Staffing Proposal. Commissioner Walsh said just as a way of background there are three groups of first responders that service Huntersville. There's the Huntersville Police Department, Huntersville Fire Department and MEDIC. MEDIC is actually handled by the county, so we really don't have any control over that. The Huntersville Police is a full-time department that is hired, trained and retained directly by the Town. Our Police Chief, Barry Graham, leads them and he reports directly to our Town Manager, Anthony.

Huntersville Fire Department is a little bit different. Many people may not know but we actually outsource our fire service to a non-profit called the Huntersville Fire Department. Actually, four times a year we cut them a check. And then the Huntersville Fire Department hires part-time.....now these are professionals so don't get confused with volunteer firemen, but these are professionals, off-duty firemen from places like Charlotte, Concord and other areas in which they are looking for part-time work. Huntersville Fire the non-profit then hires them, puts together a schedule and does that. This symbiotic relationship has worked pretty well for a decade or more and we're probably the only municipality in the top 25 that has this particular arrangement and it's a good arrangement for the town because what we do is we get our fire services at a much lower cost because we are not paying for training, we're not paying for benefits, we simply basically pay an hourly rate or the non-profit Huntersville Fire Department pays a flat rate for their time.

However, the party is sort of coming to an end. Chief Dotoli has come to the Board and said that he's no longer able to hire. At one point we had about 100 part-time firefighters that worked for the non-profit Huntersville Fire Department and he's no longer able to get enough applicants to cover shifts and it's especially acute on weekends and holidays, etc. and so he's come to the town and said it's time to start basically a municipal fire service.

When this Board was elected, we had multiple conversations with the Chief, with staff and amongst ourselves and at one point we were going to put off even bringing this up until our first full meeting in December which is in two weeks, but given the urgency of this situation we felt that it was important to add it to the schedule tonight.

I would like to make a motion to approve the appropriation of \$304,952 in General Fund Balance, recognize and accept a \$200,000 state grant, and reduce the fiscal year 2024 fire appropriation to the Huntersville non-profit fire department by \$607,178 in order to fund a municipal fire chief and 18 full-time municipal firefighters for the Huntersville municipal fire department from January to June in fiscal year 2024.

Commissioner Quarles seconded motion.

Commissioner Bergsman said when I spoke with Chief Dotoli a couple of weeks ago he had mentioned that full-time firefighters might have different safety standards. Could you clarify that for me.

Jackie Huffman, Deputy Town Manager, said Chief Dotoli is at the fire department. The fire department has a meeting tonight, so he is there. Lara and I will be able to respond to whatever questions you have. My understanding is there's not different safety protocols based on whether you are full or part-time, it's whether you're employees of the non-profit corporation or a municipal employee. NFPA, National Fire Protection Association, sets a standard that is the goal that they recommend that you adhere to and so many departments try to achieve that goal. That is generally speaking a goal that's more achievable for a municipal funded department that has paid employees as opposed to a very rural volunteer department that would have more difficulty complying with those standards. An example of that would be four firefighters on a truck such that if they report to a fire and two are inside the building that's on fire and two are outside, that's an example of an NFPA standard.

Commissioner Bergsman said I was also wondering and I believe Commissioner Walsh brought it up that there was a slide that shows the top 25 municipalities by population and I don't believe that was a part of the original presentation, so I just wanted to make sure it was shown tonight and if you could maybe explain that a little bit.

Ms. Huffman said I'm happy to walk through this just a little bit. This is a slide with the current population estimates from the state demographer's office of North Carolina. You'll see that we rank 16th in population here. If you look at the Top 25 in population, I think Commissioner Walsh referred to this, there are 24 municipalities on this list that accomplish fire protection services for their municipality with paid municipal employees. We are the one department that does not. As he pointed out we've been able to accomplish this because of our proximity to Charlotte and other departments that have full-time firefighters. Generally speaking, full-time firefighters operate on a 24-hour shift. Since they work more hours in one day, they work fewer days which gives them more days off. Many choose secondary employment. Many have chosen us for secondary employment. Our current situation is such that fewer people are choosing the secondary employment and therefore to make sure that we have enough employees on a truck it's the recommendation of not just the chief, but Town staff, that we begin to pursue our own full-time employees whose schedule we would command that would warrant their showing up for our shifts.

Commissioner Bergsman said with the retirement benefits, what's that going to look like.

Ms. Huffman said all full-time Huntersville employees participate in LGERS. LGERS stands for the Local Government Employees Retirement System. For purposes of not having you memorize too many acronyms at one night, I'll just call that the retirement system. The state of North Carolina administers that retirement system and so I would struggle to think of a municipality who does not participate in the same system and so if you are an employee for six years at Concord and you are recruited to come to work here, you participate in the same retirement system. You don't have to start over for vesting

purposes. Generally speaking, most City of Charlotte full-time employees participate in the same retirement system that Huntersville employees do. Uniquely Charlotte firefighters participate in a different retirement system and so we are hopeful that eligibility to participate in two systems would motivate employees to come to work not just at their full-time employer Charlotte, but perhaps eventually on a part-time basis for us as well. It takes 5 years to vest in that system, so if you have worked 2 months for us, you will not have vested. If you've already vested, if you've worked 4-1/2 years in a different municipality that participates in our retirement system and then six months with us, theoretically you would have vested. That sounds great. The first opportunity to qualify for a benefit is at 20 years of service at age 50 and that would qualify you for reduced benefits and at 30 years of service at any age you qualify. There are other ways to qualify, but those are two of the most common.

Commissioner Bergsman said I've been paying attention to these meetings since I first announced that I was running. I was at the Planning Retreat back in January. I've been observing and listening to all the meetings where this has been talked about. I believe Chief Dotoli has done an incredible job with the resources that he's had to date, and I also agree with him that the time is now to make a change and to move forward with this. Just thinking about the size, like our population.....former Mayor Bales mentioned earlier how we've grown by 20,000 people since 2011. The geography, the size of Huntersville, the fact that we cover both Lake Norman and are responsible for covering with fire for the nuclear station if there was ever an incident there, I 100 percent fully support this.

Commissioner Hunt said can you please tell us how many residential units have been approved but are not yet built.

Brian Richards, Planning Director, said currently we have approximately 2,400 single-family homes, 400 townhomes and plus or minus 3,500 apartments or multi-family homes, which roughly equates to a population of about 16,000 people which will be absorbed over the next 6 to 10 years depending on market growth.

Commissioner Hunt said so obviously these are folks that will also need that protection from the fire department.

Commissioner Dumas said one of the things that brings me pause is whether or not we have considered because to me it seems like a good idea to work with North Meck and do like Cornelius and Davidson partnership on this. It sounds like we've already done that. Can you explain why that would not be the right move at this time.

Ms. Huffman said Anthony and I have worked in the Lake Norman area since ballpark 2000/2001 and there have been at least two different studies, the most recent in 2019, considering whether there are economies of scale to have theoretically one department for the three North Mecklenburg towns – Davidson, Cornelius and Huntersville. And so think about the different rates of growth in those municipalities. Think of the different rates at which they are approaching personnel at each station and think about the capital needs. The previous board funded the purchase of land to build Fire Station No. 5. Cornelius and Davidson each have two stations, so there are different property tax rates that apply for the ETJ fire tax and they are funded at different levels by each town. It's been difficult to determine a one size fits all solution and so it's not been recommended even by outside consultants that there would be economies of scale from a joint agency.

If you don't mind, I want to point out this slide because I worry that it's not intuitive to everybody. To fund those 18 positions and the Chief position at \$1.1 million, please don't misinterpret this slide that

we are cutting the funding of the fire department by \$607,000, that sounds harsh, why would we do that. If they are not able to fill those positions rather than give them money they can't find personnel to hire, we'll withhold that here and use that as part of the funding to offset the cost of hiring the 18 people, so there's no detriment to them that we would no longer send that money to them. It's money we would use here to hire positions they would have hired if they could.

Mayor Clark call for the vote to approve budget amendment to fund the fire department staff positions.

Motion carried unanimously.

PUBLIC HEARINGS (NEW BOARD)

None

CONSENT AGENDA (NEW BOARD)

Call for Public Hearing – Petition #R23-11. Commissioner Bergsman made a motion to call a public hearing for Tuesday, January 2, 2024, at 6:00 p.m. at Huntersville Town Hall, 101 Huntersville-Concord Road, Huntersville, NC 28078 on Petition #R23-11, Morningstar Storage, a request by Morningstar Properties to rezone +/- 3.934 acres located at 16230 and 16204 Old Statesville Road from Special Purpose and Highway Commercial to Special Purpose - Conditional District. Commissioner Hunt seconded motion. Motion carried unanimously.

MAYOR AND COMMISSIONER REPORTS/CLOSING COMMENTS (NEW BOARD)

Commissioner Rivers

- I just wanted to give some remarks of gratitude of thanks to each and every one of you and to those that could not be here this evening but are listening. I am humbled by the opportunity to serve the community that I've always called home. My vision is ungirded by the fact that I am a product of this community, consequently my vision is a community that many call home and opportunity abounds. A community where the color of your skin or the side of the tracks where you were born does not determine your destiny. A community where clean air, green space and access to healthy foods is much more than just a catchy slogan. A community that aims to delicately balance economic growth, development and inevitable change by deeply honoring the past, the present and the future. A community that endeavors to house all of God's children especially the least of these. So, this is a community that I am extremely honored and proud to serve because Huntersville is your home, it is my home, it is a community that our ancestors lived for. It is the beloved community that our mighty ancestry died for in the pursuit of a better Huntersville. Again, thank you all so much for the opportunity to stand upon the shoulders of those who preceded us and we this Town Board must carry the great vision of hope, promise and love for our neighbors moving forward.

Commissioner Walsh

- No Report.

Commissioner Dumas

- Just a couple of words. I am truly honored to be one of the people that the voters put in these seats, and I love the fact that we had so much engagement in the community and such an increase in numbers at the polls. Let's double it next time. I really think the engagement meant

a lot to the community and we can do so much more in the future. I really couldn't be more excited to serve with the folks on this board. We all come from different backgrounds and expertise, and I think that we really round each other out and we are going to make some great things happen. I look forward to being more proactive in recruiting the types of business to town and help shift the sources of our tax revenue taking some pressure off of our residents. Again, I thank you all, those who voted for me and those who didn't. I hope that I'll make you proud.

Commissioner Hunt

- I am genuinely grateful for the honor that was bestowed on me by the voters and I want to express my heartfelt appreciation to everyone who helped make this a reality. Your support and trust mean the world to me. As we embark on this journey together, I am excited about collaborating with my fellow elected officials and our dedicated town staff. Huntersville like any thriving community faces its share of growing pains, but it is my sincere belief that in coming together we can find innovative solutions that prioritize the best interest of our town and its residents. I invite everyone to join us as we look forward to overcoming obstacles and celebrating the future accomplishments that will make Huntersville the ultimate place to work, live and play. Thank you again for your trust and I'm excited about the positive changes we can bring about together.

Commissioner Quarles

- I am truly honored. I did not take an oath of office to an individual. But I did take an oath to the town. I will govern with dignity and with honor. I will vote and make decisions according to facts. I will view every proposal with lenses that are not prejudice. There have been noise makers who scream at the board and staff for years and they continue as of today. There are some who have played politics and tricks and they continue as of today. The voters of this great town made their voice loud on November 7, 2023. They said enough of the shenanigans. I, along with my colleagues, will be watched as well as scrutinized. So will those who watch and scrutinize us, you too will be watched. Watched to see if you are wanting to build up or to tear down. Good things are made many times from results of bad things. The current Board of Commissioners has the opportunity to render good results to the Town of Huntersville. Decisions that will build a Huntersville where insiders will want to flaunt and where outsiders will pinpoint on their map to visit. Decisions that will make Huntersville the safest place to live in North Carolina, decisions that will make Huntersville the best place to work. Decisions where businesses will want to set up shop. Decisions where we can partner with neighboring towns and cities really making others realize that Huntersville is above Charlotte. We have work to do and a lot of it. We must not govern only for reelection. Our work must speak for itself. For those within the sound of my voice know that we're not always going to make decisions that you would have made, but trust that the decisions were for the majority. Let's all be respectful adults. Let's make Huntersville the model town that others would want to follow. Let's make decisions that will honor the past and embrace the future.

Commissioner Bergsman

- First, I actually want to thank the outgoing board. They had a lot of words tonight. I just want to piggyback on what they said and appreciate all that they have done for our community. I am really looking forward to working with all of the wonderful folks sitting up here right now, with our fantastic town staff, and with our residents.....the community and the people that make Huntersville the great place that it is to live. I do have one upcoming event I would like to share. There are many fantastic holiday celebrations in Huntersville this time of year and there's one

more that's coming up later this week. There will be a menorah lighting put on by Chabad of Lake Norman at Birkdale Village on the Green this Thursday, December 7 at 5:30 p.m. It's a fun annual family friendly event that I have attended for a few years. It would be wonderful to see more folks in the community come out to support and have a great time at the menorah lighting.

There being no further business, Commissioner Rivers made a motion to adjourn the meeting. Commissioner Bergsman seconded motion. Motion carried unanimously.

Approved this the ____ day of _____, 2024.

DRAFT

**Town of Huntersville
Town Board
January 2, 2024**

To: Town Board

From: Anthony Roberts, Town Manager

Date: January 2, 2024

Subject: Resolution - Deputy Town Clerk

EXPLAIN REQUEST:

It is recommended that the Town Board provide for a Deputy Town Clerk pursuant to N.C.G.S. § 160A-172 with the authority to carry out the duties of the Town Clerk in the Town Clerk's absence.

ACTION RECOMMENDED:

Approval

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. R-2024-01 RESOLUTION PROVIDING FOR DEPUTY TOWN CLERK



RESOLUTION PROVIDING FOR DEPUTY TOWN CLERK

WHEREAS, North Carolina General Statutes Section 160A-172 authorizes the Town of Huntersville Board of Commissioners ("Town Board") to provide for a Deputy Town Clerk "who shall have full authority to exercise and perform any of the powers and duties of the Town Clerk that may be specified by the Town [Board]"; and

WHEREAS, the Town Board desires to provide for a Deputy Town Clerk for the Town of Huntersville (the "Town"), said position to be filled by the Town Manager; and

WHEREAS, the Town Board desires that the Deputy Town Clerk have full authority to exercise and perform any and all of the powers and duties of the Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD:

1. The Town Board hereby provides for a Deputy Town Clerk for the Town.
2. The Deputy Town Clerk shall have the full authority to exercise and perform any and all of the powers and duties of the Town Clerk.
3. The Town Manager shall have the authority to fill the position of Deputy Town Clerk.
4. The Town Manager is authorized to, acting on the advice of counsel, take any actions necessary to execute the provisions of this resolution.

Adopted this the 2nd day of January, 2024.

ATTEST:

Janet Pierson, Town Clerk

Christy Clark, Mayor

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

**Town of Huntersville
Town Board
January 2, 2024**

To: Town Board

From: Nathan Farber, Planner II

Date: January 2, 2024

Subject: Petition #TA23-08 - Regulation of Nuisances Language

EXPLAIN REQUEST:

Call a public hearing for February 5, 2024 at 6:00 p.m. at Huntersville Town Hall, Huntersville, NC 28078, on Petition #TA23-08, a request by the Huntersville Planning Department to amend Zoning Ordinance Article 8.13 to remove "Regulation of Nuisances" language.

ACTION RECOMMENDED:

Call Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None

**Town of Huntersville
Town Board
January 2, 2024**

To: Town Board

From: Nathan Farber, Planner II

Date: January 2, 2024

Subject: Petition #R23-10, Commercial Communication Tower

EXPLAIN REQUEST:

Conduct a Public Hearing on Petition #R23-10, Commercial Communication Tower, a request by Berkley Group III, LLC to rezone +-6.00 acres located at 15105 Holbrooks Rd from Transitional Residential and Neighborhood Residential District to Special Purpose Conditional District. The applicant requests the public hearing be continued to January 16, 2024.

ACTION RECOMMENDED:

Continue Hearing

FINANCIAL IMPLICATIONS:

N/A

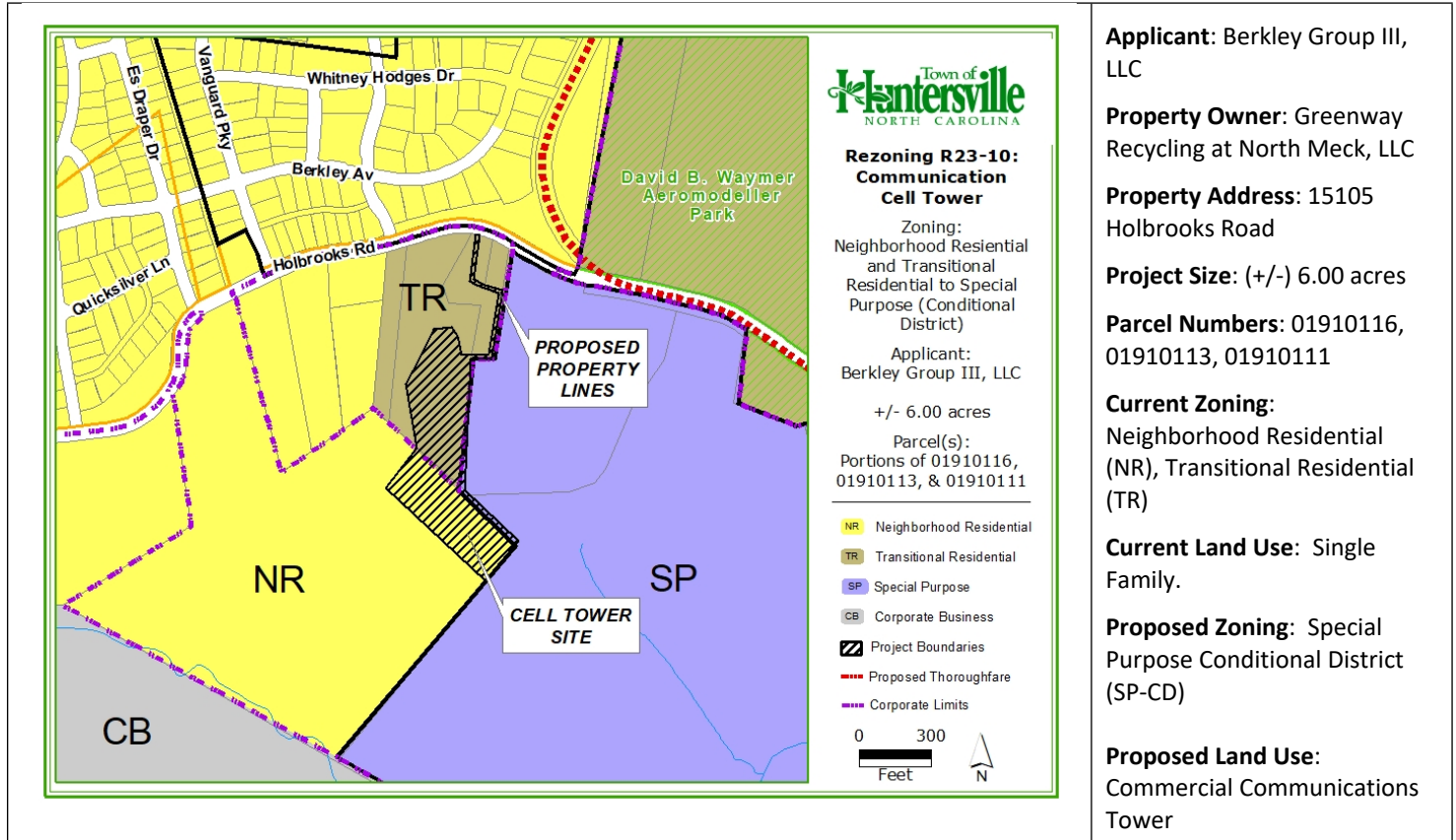
ATTACHMENTS:

1. R23-10 PH Staff Report
2. Attachment A - Application
3. Attachment B - R23-10 Rezoning Plan
4. Attachment C - Neighborhood Meeting Report (October 30, 2023)
5. Attachment D - APO Notification
6. Attachment E - Continuance Letter

Petition R23-10

Commercial Communications Tower

PART 1: PROJECT SUMMARY

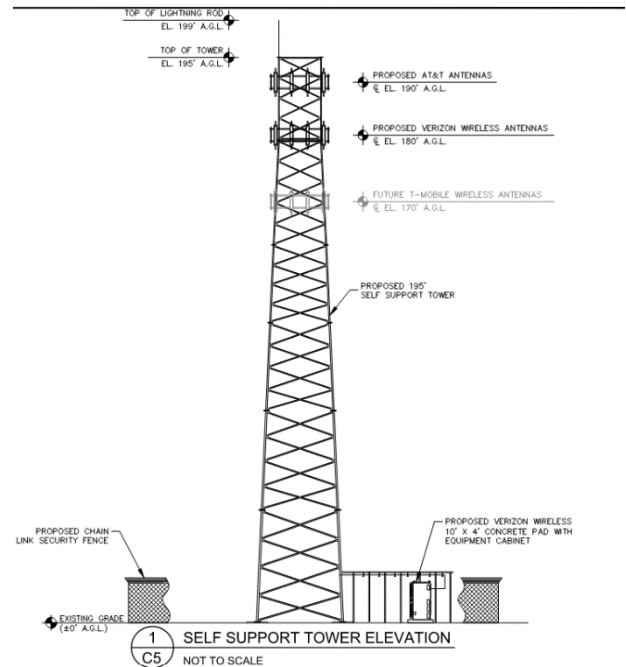


1. Purpose: Rezone +/- 6.00 acres south of Holbrooks Rd. from Neighborhood Residential and Transitional Residential to Special Purpose Conditional District (HC-CD) for a Commercial Communications Tower.
2. Adjoining Zoning and Land Uses.
 - North: Neighborhood Residential Conditional District –Single Family (Vermillion Subdivision).
 - South: Neighborhood Residential and Special Purpose Conditional District – Residential (Vacant) and Landfill (Greenway Waste)
 - East: Special Purpose Conditional District - Landfill (Greenway Waste)
 - West: Neighborhood Residential and Transitional Residential – Residential
3. A neighborhood meeting was held on October 30, 2023, and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment C).
4. Notice for this rezoning petition was sent via a postcard to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning sign on the property along Holbrooks Rd.

PART 2: REZONING/SITE PLAN

The applicant has made no modification requests. The Conditional Rezoning Plan can be summarized as follows:

- The applicant plans to subdivide a 6-acre lot from parcel numbers # 01910116, 01910113, and 01910111 pending rezoning approval.
- The new 6-acre lot will narrow to a 15' wide area that will connect north to Holbrooks Road in order to have road frontage and allow the subdivision to occur.
- The site will be accessed via a 15' easement that will run east through the Greenway Waste landfill connecting to Holbrooks Rd.
- The applicant has noted as a condition of approval the permitted uses will be limited to a Commercial Communication Tower and all related accessory uses.
- The tower will be 195' tall, with a lightning pole bringing the total height to 199'.
- The applicants have stated that lighting will not be on the tower as the Federal Aviation Administration (FAA) will not require any.
- Article 9.9.3 requires that the entire facility must be aesthetically compatible with its environment. The tower will be painted grey in order to blend in with its surroundings.
- The communication tower will be located more than 200' from the residential lot line located to the west as required by Article 9.9.10.
- The applicant will not be providing any parking. No parking would be required as no building structure will be located on the property.



The Conditional Rezoning Plan has the following unresolved issues:

- The entire facility will be surrounded by an 8' chain link fence as required by Article 9.9.4. An opaque screen is required to be provided on the outside of any chain link fence. The applicant has provided this screening with a row of Leyland Cypress. Staff is working with the applicant to move the plantings to the outside of the fence as required.
- Minimum Tree Preservation (Specimen Trees) for the Special Purpose District is 30% Specimen Trees. The applicant has not provided a complete tree survey. Until a complete tree survey has been provided, staff cannot determine if the tree preservation requirement has been met.
- Staff is working with the applicant to address the cleared "open field" on the south side of the property. This area may require mitigation, as it was cleared in 2020 with no permits. However, if tree save is conforming, tree mitigation may not be required.
- Planning, Transportation, and Storm Water Engineering staff have outstanding site plan comments that need to be addressed before final plan approval.

PART 3: TRANSPORTATION ISSUES

Traffic Impact Analysis (TIA)

A Town TIA for the proposed project was not required.

PART 4: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.

2040 Huntersville Community Plan



STAFF COMMENT – The proposed communication tower is located within the open space and moderate-density future land use areas. While these character areas do not directly support intensive commercial development, Staff views the proposed tower as an essential infrastructure project. The project will only disturb 0.4 acres while preserving the remaining woodlands and open space on the property. The 2040 Huntersville Community Plan DOES SUPPORT this project through the following section:

- **Policy PS-1:** Work with partners to provide and maintain public facilities required to offer residents and property owners with quality municipal services, consistent with progressive government practices and sound fiscal policy.
STAFF COMMENT: The proposed commercial communications tower aims to offer crucial services to the surrounding communities and businesses. Improved cellular service will not just enhance communication for residents but also fill a missing communications coverage area for emergency services (See coverage maps below or Attachment C). Although it's not a municipal service, it's a vital infrastructure service that a private company is providing.
- **Policy LU-1:** Encourage a development pattern that follows the Future Land Use Map.
STAFF COMMENT – The proposed land use does not conflict with the surrounding development pattern as the addition of a communication tower will provide a benefit to existing and future residences and businesses.

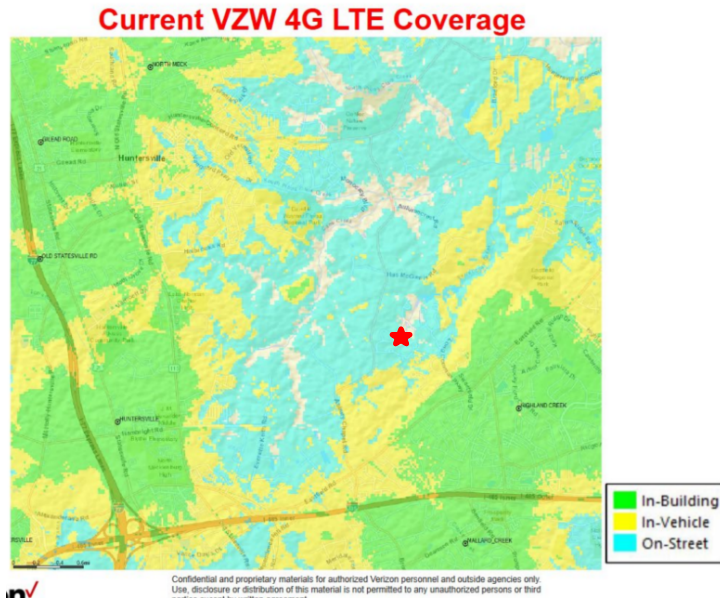


Figure 2 Current Coverage Map

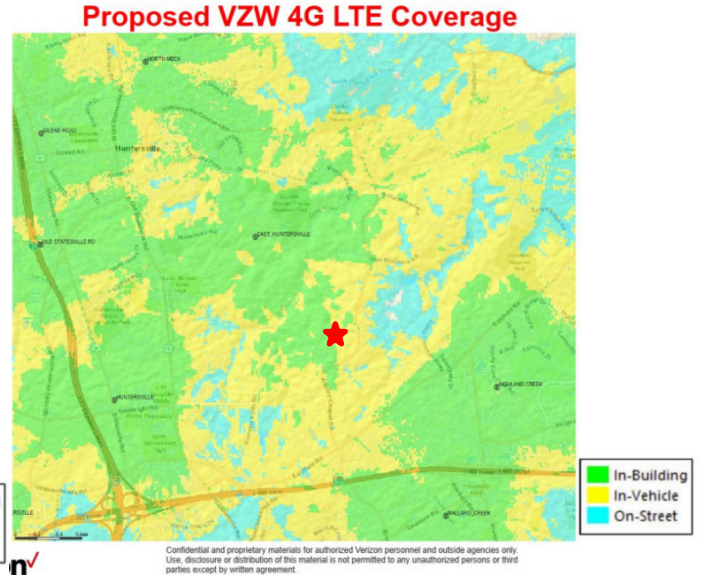


Figure 1 Coverage Map Once Tower is Complete

Holbrooks Road Study: ULI Technical Assistance Program (2017)

The Holbrooks Road Study was conducted to study the potential land uses and economic viability of the defined area. The area is divided by the road into a northern area that is primarily residential and a southern area is primarily corporate business and industrial. One of the recommendations is to “Place commercial product near the property line near the landfill site, creating a natural buffer for the residential”.

STAFF COMMENT – The proposed communication tower location fits in with the area study as it would directly border the landfill while also complying with the required 200’ separation from the adjacent residential property. This would create a natural buffer between the existing landfill and neighboring residential properties.



Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

- 1. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.**

STAFF COMMENT: Planning staff believes the development location on the border of an existing industrial landfill and buffered from nearby residential properties is consistent with the character of the existing development in the area. The use provides an essential service that will benefit all of the surrounding uses in the area.

- 2. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.**

STAFF COMMENT:

There is no indication this project will have a negative impact on public facilities and or services.

3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical or cultural resource.”

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental, historical, or cultural resources.

PART 5: STAFF RECOMMENDATION

In considering the proposed rezoning petition R23-10, Commercial Communications Tower, Staff is in favor of a continuance as requested by the applicant, in order to address outstanding site plan concerns and comments. Pending the remaining concerns and comments are addressed Staff could recommend approval based on the Plan being consistent with the Huntersville 2040 Community Plan policies PS-1, LU-1, and with the Holbrooks Road Corridor plan.

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing is scheduled for January 2, 2024. The applicant has requested a continuance until January 16, 2024, to address outstanding comments. (Attachment E)

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board is scheduled for January 23, 2024.

PART 8: TOWN BOARD CONSIDERATION

Town Board consideration is scheduled for February 19, 2024.

PART 9: ATTACHMENTS/ENCLOSURES

Attachments

A – Rezoning Application

B – R23-10 Rezoning Plan

C – Neighborhood Meeting Report (October 30, 2023)

D – APO Notification

E – Continuance Letter

PART 10: CONSISTENCY STATEMENT – R23-10 Commercial Communication Tower

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning petition R23-10, Commercial Communications Tower, Staff is in favor of a continuance as requested by the applicant, in order to address outstanding site plan concerns and comments. Pending the remaining	APPROVAL: In considering the proposed rezoning application R23-10, Commercial Communication Tower, the Planning Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u> .	APPROVAL: In considering the proposed rezoning application R23-10, Commercial Communication Tower, the Town Board recommends approval based on the Plan being consistent with <u>(insert applicable plan reference)</u> .

concerns and comments are addressed Staff could recommend approval based on the Plan being consistent with the Huntersville 2040 Community Plan policies PS-1, LU-1, and with the Holbrooks Road Corridor plan. It is reasonable and in the public interest to approve the Rezoning Plan because it is consistent with the envisioned uses and development pattern set forth in the 2040 Community Plan, Holbrook Road Corridor plan, and in keeping with the spirit of the Ordinance and therefore can be supported.	<u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	<u>It is reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>
DENIAL:	DENIAL: In considering the proposed rezoning application R23-10, Commercial Communication Tower, the Planning Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>	DENIAL: In considering the proposed rezoning application R23-10, Commercial Communication Tower, the Town Board recommends denial based on the Plan being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u> <u>It is not reasonable and in the public interest to approve the Rezoning Plan because... (Explain)</u>



General Application

INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED. PLEASE CHECK ALL ITEMS CAREFULLY.

1. Application Type

Please indicate the type of application you are submitting. In addition to the application, the submission process for each application type can be found at <https://www.huntersville.org/528/Permits-Process>

- ☐ Change of Use
- ☐ Commercial Site Plan
- ☒ Conditional Rezoning
- ☐ General Rezoning
- ☐ Master Signage Program
- ☐ Special Use Permit
- ☐ Revision to
Original Project # _____
- ☐ Other _____

- SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance
- ☐ Sketch Plan
 - ☐ Preliminary Plan
 - ☐ Final Plat (Includes Minor Subdivision)
 - ☐ Exempt Subdivision
 - ☐ Final Plat Revision
 - ☐ Farmhouse Cluster

2. Project Data

Date of Application June 29, 2023

Name of Project Huntersville Center Phase # (if subdivision) _____

Project Address Holbrooks Road, Huntersville, NC

Parcel Identification Number(s) (PIN) p/o 019-10-116, p/o 019-10-113,

Current Zoning District NR Proposed District (for rezoning only) SP (CD)

Property Size (acres) _____ Street Frontage (feet) _____

Current Land Use Vacant & Industrial

Proposed Land Use(s) Communications Cell Tower

Is the project within Huntersville's corporate limits?
Yes p/o No p/o If no, does the applicant intend to voluntarily annex? yes

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.

See attached plan.

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The Review Process list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility Willingness to Serve letter for the subject property.

6. Applicant

Printed Name BERKLEY GROUP III, LLC Phone _____
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☒ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature [Signature] Printed Name: BONNIE D. NEWELL

Title MANAGING PARTNER Email b-newell@bellsouth.net

Address of Applicant 19701 BETHEL CHURCH RD; SUITE 103-213 CORNELIUS NC 28031

7. Property Owner (if different than applicant)

*Printed Name See Consent filed with Town of Huntersville Phone _____
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature _____ Printed Name _____

Title _____ Email _____

Address of Property Owner _____
* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.

8. Development/Design Firm Contact Information

<u>BERKLEY GROUP III, LLC</u>	<u>BONNIE NEWELL</u>	<u>704 907-7104</u>	<u>b_newell@bellsouth.net</u>
Development Firm	Name of Contact	Phone	Email
<u>KIMLEY HORN</u>	<u>KEITH MARILLAND</u>	<u>919 417 4937</u>	<u>keith.mariland@kimley-horn.com</u>
Design Firm	Name of Contact	Phone	Email

Contact Information

Town of Huntersville	Phone:	704-875-7000
Planning Department	Fax:	704-992-5528
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	Website:	https://www.huntersville.org/228/Planning-Department

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the “Joinder”) is executed this 31st day of August, 2023, by Greenway Recycling at North Meck, LLC a North Carolina limited liability company (“Owner”) in connection with that one certain General Application for a Conditional Rezoning (“Application”), for the Huntersville Center project filed, or to be filed, by Berkley Group III, LLC, a North Carolina limited liability company (“Applicant”) in connection with the property identified as part of Parcel Number 019-10-111 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

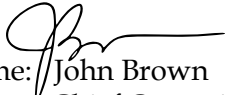
1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

GREENWAY RECYCLING AT NORTH MECK LLC,
a North Carolina limited liability company

By: 
Printed Name: John Brown
Title: Chief Operating Officer
Address: 19109 W. Catawba Ave., Suite 110
Cornelius, NC 28031

Date: 8/31/23

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the “Joinder”) is executed this 31st day of August, 2023, by Greenway Recycling at North Meck, LLC a North Carolina limited liability company (“Owner”) in connection with that one certain General Application for a Conditional Rezoning (“Application”), for the Huntersville Center project filed, or to be filed, by Berkley Group III, LLC, a North Carolina limited liability company (“Applicant”) in connection with the property identified as part of Parcel Number 019-10-113 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
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5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

GREENWAY RECYCLING AT NORTH MECK LLC,
a North Carolina limited liability company

By: 
Printed Name: John Brown
Title: Chief Operating Officer
Address: 19109 W. Catawba Ave., Suite 110
Cornelius, NC 28031

Date: 8/31/23

JOINDER OF AND CONSENT TO APPLICATION

This JOINDER OF AND CONSENT TO APPLICATION (the “Joinder”) is executed this 31st day of August, 2023, by Greenway Waste Solutions, LLC a North Carolina limited liability company (“Owner”) in connection with that one certain General Application for a Conditional Rezoning (“Application”), for the Huntersville Center project filed, or to be filed, by Berkley Group III, LLC, a North Carolina limited liability company (“Applicant”) in connection with the property identified as part of Parcel Number 019-10-116 in the Town of Huntersville, Mecklenburg County, North Carolina.

WHEREAS, the undersigned, as an Owner, desire to join in and consent to the rezoning and provisions of the Application and to ratify the execution thereof by Applicant.

NOW, THEREFORE, for and in consideration of good and valuable consideration as set forth herein, the undersigned agree as follows:

1. **Joinder.** The Owner does, on behalf of themselves and their successors and assigns, hereby join in and consent to the Application.
2. **Ratification.** The Owner does hereby further, on behalf of themselves, their heirs, successors and assigns, ratify and confirm all prior actions of Applicant in connection with the Application.
3. **Modification.** Owner does hereby further agree, on behalf of itself, and its successors and assigns, to any modifications to the Application, as determined by the Applicant, during the review and approval process through the Town of Huntersville.
4. **Governing Law.** This Joinder is entered into under the laws of the State of North Carolina, and those laws shall govern the construction and enforcement hereof.
5. **Authority.** The person or persons executing this Joinder on behalf of the Owner are duly authorized to execute this Joinder, and no consent of any other person to execution of this Joinder is required.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Owner has executed this Joinder of and Consent to Application on the date set forth below.

OWNER:

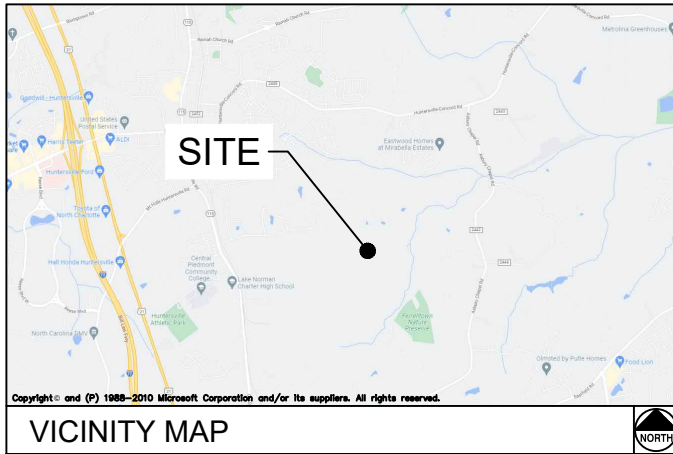
GREENWAY RECYCLING AT NORTH MECK LLC,
a North Carolina limited liability company

By: 
Printed Name: John Brown
Title: Chief Operating Officer
Address: 19109 W. Catawba Ave., Suite 110
Cornelius, NC 28031

Date: 8/31/23

k:\raL_wireless\berkley_group\CAD\ZD\Rev6_08_24_23\ECor-GB.dwg ----- 11/16/23 2:18 PM By: Robert Giesen

SITE DATA TABLE	
TOTAL ACREAGE:	6.00 AC
TOTAL SQUARE FEET:	261,264 SQ. FT.
PRINCIPAL USE(S) (Z.O ARTICLE 3)	COMMERCIAL COMMUNICATIONS TOWER
BUILDING TYPE (Z.O ARTICLE 3, 4, 8, AND 10)	N/A
ZONING DISTRICT:	NR/TR (CHANGING TO SP(CD))
OVERLAY DISTRICT, IF APPLICABLE (ARTICLE 3 Z.O)	N/A
PERCENTAGE OF IMPERVIOUS SHOWN	EXISTING – 0 SQ. FT. (0.0%) PROPOSED – 6,700 SQ. FT. (2.6%) TOTAL – 6,700 SQ. FT. (2.6%)
LOT COUNT:	N/A
TOTAL NUMBER OF DWELLINGS (DETACHED/ATTACHED)	N/A
MIXED–USE# OF LIVE/WORK UNITS	N/A
LOT SIZE RANGE	N/A
LOT WIDTHS RANGE (Z.O ARTICLE 3)	N/A
SETBACKS AND BUILD–TO–LINES (Z.O ARTICLE 3, 4, AND 8)	N/A



VICINITY MAP

FROM CORNELIUS OFFICE: GET ON I-77 S FROM W CATAWBA AVE 1.0 MI; FOLLOW I-77 S TO GILEAD RD IN HUNTERSVILLE. TAKE EXIT 23 FROM I-77 S 5.2 MI; DRIVE TO HOLBROOKS RD W 3.0 MI.

DRIVING DIRECTIONS

BERKLEY GROUP III_{LLC}

19701 BETHEL CHURCH ROAD, SUITE 103-213
CORNELIUS, NC 28031

HUNTERSVILLE CENTER

SITE ADDRESS (E-911 TBD)
15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY
LATITUDE: 35° 23' 58.60" N
LONGITUDE: 80° 49' 14.00" W
TAX/PIN #: 019-10-116, p/o 019-10-113, & p/o 019-10-111
ZONING: NR,TR

JURISDICTION:
TOWN OF HUNTERSVILLE

STATE:
NORTH CAROLINA

TOWER TYPE:
SELF SUPPORT

TOWER HEIGHT:
195'

NUMBER OF CARRIERS:
0 EXISTING, 3 PROPOSED

USE:
PROPOSED TELECOMMUNICATIONS TOWER
AND UNMANNED EQUIPMENT

FLOOD INFO
SITE IS LOCATED WITHIN FEMA FLOOD MAP
AREA 3710465000K DATED 11/16/2018 WITHIN
FLOOD ZONE X.

PROJECT SUMMARY

DEVELOPER
BERKLEY GROUP III, LLC
19701 BETHEL CHURCH ROAD, SUITE 103-213
CORNELIUS, NC 28031
PHONE: (704) 907-7104
ATTN: BONNIE NEWELL

POWER COMPANY
ENERGY UNITED
PHONE: (704) 892-0278
ATTN.: CUSTOMER SERVICE

PROPERTY OWNER
GREENWAY WASTE SOLUTIONS, LLC
19109 W CATAWBA AVE STE 200
CORNELIUS, NC 28033
PHONE: (704) 741-7867
ATTN.: CUSTOMER SERVICE

CONSULTANT
KIMLEY-HORN AND ASSOCIATES, INC.
11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GEORGIA 30009
PHONE: (770) 545-6105
ATTN.: DAVID FRANKLIN

CONTACTS

WATERSHED INFORMATION (Z.O ARTICLE 3 AND S.O SECTION 7.920)	
IS THE PROPERTY IN A REGULATED WATERSHED DISTRICT?	NO
WATERSHED DISTRICT:	N/A
LOW DENSITY/HIGH DENSITY	N/A
PERCENTAGE OF ALLOWABLE IMPERVIOUS AREA	12%
PERCENTAGE OF IMPERVIOUS AREA SHOWN ON PLANS	EXISTING – 0 SQ. FT. (0.0%) PROPOSED – 6,700 SQ. FT. (2.6%) TOTAL – 6,700 SQ. FT. (2.6%)
AMOUNT OF LOT AREA SET ASIDE FOR FUTURE IMPERVIOUS BY HOMEOWNER	N/A

SHEET NO.	SHEET TITLE
T1	COVER SHEET
T2	HUNTERSVILLE TELECOMMUNICATIONS TOWER REZONING NOTES
--	TREE SURVEY AND FUTURE ACCESS ROAD (BY OTHERS)
C0	EXISTING CONDITIONS
C1.1	OVERALL SITE PLAN
C1.2	OVERALL SITE PLAN
C2	SITE PLAN
C2.1	CONCEPT GRADING PLAN
C2.2	CONCEPT UTILITY PLAN
C3	FENCE, GATE, AND COMPOUND DETAILS
C4	SITE SIGNAGE DETAILS
C5	ANTENNA AND TOWER ELEVATION DETAILS
L1	LANDSCAPING PLAN & NOTES
SHEET INDEX	

HUNTERSVILLE TOWN PLANNING
105 GILEAD RD.
HUNTERSVILLE, NC 28078
PHONE: (704) 875-7000
ATTN.: CUSTOMER SERVICE

PERMIT INFORMATION



PROJECT INFORMATION: _____

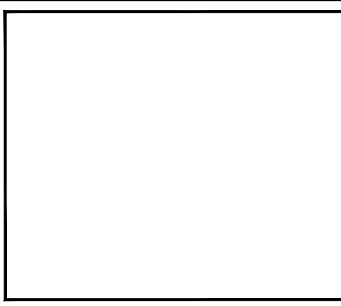
SITE NAME:
HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

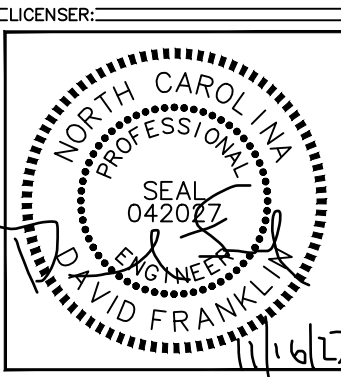
PLANS PREPARED BY: _____

Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM
NC License F-0102



REV: _____	DATE: _____	ISSUED FOR: _____	BY: _____
8			
7	11/09/23	ZONING	DMF
6	08/29/23	ZONING	DMF
5	08/01/23	ZONING	DMF
4	07/27/23	ZONING	DMF
3	07/05/23	ZONING	DMF
2	03/02/23	ZONING	DMF
1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF



KHA PROJECT NUMBER: _____

019869008

DRAWN BY: _____ CHECKED BY: _____

WJW KRM

SHEET TITLE: _____

COVER SHEET

SHEET NUMBER: _____

T1

k:\ra\wireless\berkeley_group\CAD\ZD\Rev6_06_24_23\ECor-GB.dwg 11/16/23 2:18 PM by: Robert Giesen

Huntersville Telecommunications Tower Rezoning Notes

1. Rezoning Petition. These rezoning notes comprise the development standards (“Development Standards”) associated with the Special Purpose Conditional District Rezoning Application (the “Rezoning Petition”) filed by the Berkley Group III, LLC (“Petitioner”) as conditional rezoning petition #R23-10 for a 6.00 acre tract of land identified on this site plan (the “Rezoning Plan”) as the Huntersville Center Telecommunications Tower (the “Project”) and other site plan information submitted to the Town of Huntersville on September 1, 2023 (the “Filing Date”), in connection with tax parcel number 01910116, 0191013 and 0191011 the “Property”). The purpose of the rezoning petition is to create a Special Purpose Conditional Zoning District for a Commercial Communication Tower use and other uses allowed in the SP(CD) zoning district. The SP-CD is applicable to the tract of land identified on the Site Plan (“Site”) as SP(CD).

2. Development Standards. Development of the Property will be governed by these development standards, which are part of the Rezoning Petition, and the applicable provisions of the Ordinance in place on the Filing Date. Unless the Rezoning Plan establishes a more stringent standard(s), or unless otherwise noted on the Rezoning Plan or in these Development Standards, the regulations established under the Ordinance in place on the Filing Date govern development of the property as shown on the Rezoning Plan.

3. Schematic Nature of Rezoning Plan. The exact location and configuration of the Commercial Communication Tower and associated equipment may be modified during design, engineering and construction phases of the development so long as the minimum ordinance standards are met, and the Commercial Communication Tower and associated equipment are located within the Site.

4. Ordinance Modifications and Vested Rights. This Rezoning Plan is a site-specific development plan and approval thereof constitutes vested rights in the Rezoning Plan pursuant to the provisions of the Ordinance. Notwithstanding any other provisions of these Development Standards, if, at some point, modifications are made to the Ordinance by the Town Board, Petitioner may voluntarily agree to apply such modifications to the Rezoning Plan in a manner consistent with the Rezoning Plan and the Ordinance as it changes from time to time, and without pursuing a rezoning. Such modifications to the Ordinance shall in no way impact vested rights. Approval of this conditional rezoning shall constitute establishment of vested rights in the landowner (and its successors or assigns) for a period of five years pursuant to N.C. Gen. Stat. §160D-108.1.

5. Permitted Uses. As shown on the Site Plan, the Property may be developed for a Commercial Communication Tower use, and any accessory uses to the Commercial Communication Tower use, subject to the development standards associated with such use. Residential use is not permitted in the 200’ buffer shown on the Rezoning Plan. Any labeling on the Rezoning Plan may be an indication of the current intention on the part of Petitioner but shall not restrict the Property in a manner that conflicts with the provisions of these Development Standards. In the event there is a conflict or inconsistency between these rezoning notes and the Rezoning Plan or application, these rezoning notes shall control.

6. Access. The proposed site access points, driveways and connections to roads are schematic in nature. To the extent permitted by applicable driveway permit requirements, future driveways, access points and road connections may cross the setback and shall not require a rezoning of the Property but shall otherwise comply with applicable driveway permit requirements. Access to the Property shall be as provided in the Rezoning Plan.

7. Buffers Yards/Landscaping. As more particularly depicted on the Rezoning Plan, the site shall include a 200’ buffer around the perimeter of the Tower. All Buffer Yards shall meet the requirements of Section 7.5 of the Ordinance. Grading is allowed in the buffers and any areas of the perimeter buffer and landscaped area that are disturbed shall be replanted according to standards outlined in the Ordinance. Grading and excavation are permitted for stream restoration in the buffers and in the existing landfill that is within the SP (CD).

8. Fencing. As more specifically depicted on the Rezoning Plan, the site will be fenced as required by the Ordinance.

9. Signage. Signage will comply with the requirements of the Ordinance.

10. Lightning. Lightning will comply with the requirements of the Ordinance.

11. Setback. The Communication Tower will be set back a minimum of 200’ from all adjacent residential or mixed-use property lines.

12. Annexation. Petitioner has agreed to submit a sufficient voluntary annexation petition prior to any final plat approvals.



PROJECT INFORMATION:

SITE NAME:
HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

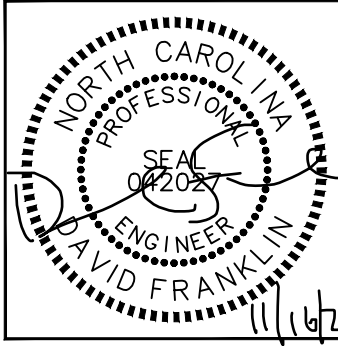
Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM
NC License F-0102

REV: DATE: ISSUED FOR: BY:

8			
7	11/09/23	ZONING	DMF
6	08/29/23	ZONING	DMF
5	08/01/23	ZONING	DMF
4	07/27/23	ZONING	DMF
3	07/05/23	ZONING	DMF
2	03/02/23	ZONING	DMF
1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF

LICENSER:



KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW

KRM

SHEET TITLE:

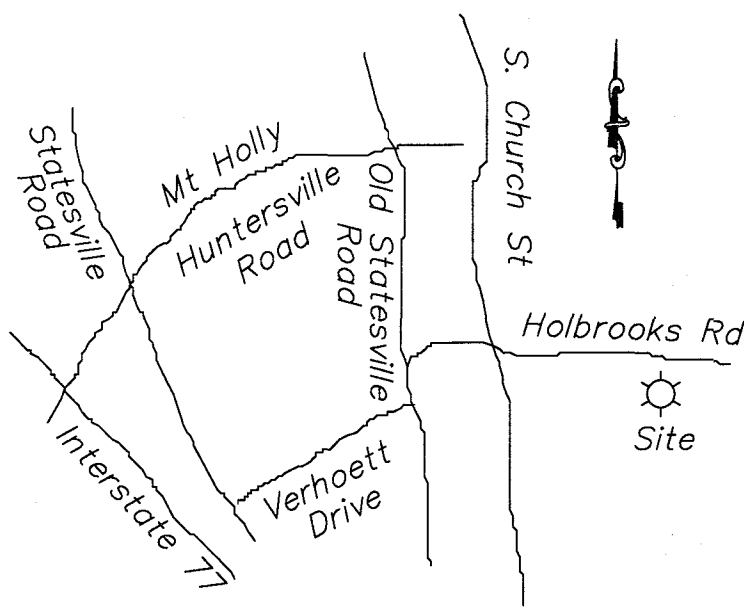
HUNTERSVILLE
TELECOMMUNICATIONS
TOWER
REZONING NOTES

SHEET NUMBER:

T2

I, JOEL H. PATTERSON III, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. DEED DESCRIPTION AND/OR MAP BOOK SEE PAGE NOTE #2. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS DAY OF 04/27/2011 2023.

JOEL H. PATTERSON III, PLS
LICENSE NUMBER: L-3717



Holbrooks Road
60' Public R/W

PARCEL ID: 01910111
GREENWAY WASTE SOLUTIONS
AT NORTH MECK, LLC
DB: 26440 PG: 914

PARCEL ID: 01910113
GREENWAY WASTE SOLUTIONS
AT NORTH MECK, LLC
DB: 26440 PG: 914

PARCEL ID: 01910114
GREENWAY WASTE SOLUTIONS, LLC
DB: 36632 PG: 937

PARCEL ID: 01910116
GREENWAY WASTE SOLUTIONS, LLC
DB: 32613 PG: 311

PARCEL ID: 01910109
GREENWAY RECYCLING AT
NORTH MECK, LLC
DB: 37057 PG: 769

Tree Limits Boundary
Provided by Others

GRAPHIC SCALE



(IN FEET)
1 inch = 40 feet

SURVEYOR NOTES

- ALL DIMENSIONS SHOWN ARE IN US SURVEY FEET AND DECIMALS THEREOF AND ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE INDICATED. AREA BY COORDINATE METHOD.
- THIS SURVEY IS BASED ON DEED BOOK 26440 PAGE 914 AS RECORDED AT THE MECKLENBURG COUNTY REGISTER OF DEEDS.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION BY AN ATTORNEY. THE PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS-OF-WAY, EASEMENTS, RESTRICTIVE COVENANTS OR CONDITIONS NOT OBSERVED OR SHOWN HEREON.
- SUBJECT PARCEL LIES WITHIN A SUBDIVISION PREVIOUSLY TIED TO NC GRID.
- BASIS OF BEARINGS: DEED BOOK: 26440, PAGE: 914 - DATED: 04/27/2011.
- ALL CORNERS "FOUND" OR "SET" ARE FLUSH WITH THE GROUND, UNLESS OTHERWISE NOTED. POINTS NOT LABELED "FOUND" OR "SET" ARE COMPUTED POINTS.
- THE LOCATION OF UTILITIES AS SHOWN HEREON, WHETHER PUBLIC OR PRIVATE, ARE BASED ON THE LOCATION OF VISIBLE ABOVE GROUND APPURTENANCES ONLY. OTHER UTILITIES WHICH WERE NOT OBSERVED AND NOT SHOWN HEREON MAY EXIST. IT IS THE OWNERS/TENANTS RESPONSIBILITY TO VERIFY THE LOCATION PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION. PATTERSON LAND SURVEYING, P.A. CANNOT ASSUME RESPONSIBILITY FOR MISIDENTIFICATION OR OMISSION OF UNDERGROUND UTILITIES.
- THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
- THIS PROPERTY LIES IN FLOOD ZONE "X" AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL 3710465000K, WITH AN EFFECTIVE DATE OF 11/16/2018.

TREE DATA		
TREE NUMBER	DESCRIPTION	ELEVATION
1	19" PINE	747.183
2	37" BEECH	705.437
3	20" SWEET GUM	713.18
4	18" PINE	746.354
5	19" POST OAK	719.356
6	18" PINE	743.473
7	20" BEECH	706.223
8	19" WHITE OAK	736.936
9	23" BEECH	706.159
10	23" WHITE OAK	733.02
11	22.5" WHITE OAK	733.909
12	21" BEECH	711.203
13	23" WHITE OAK	741.769
14	27" ASH	721.032
15	21" ASH	719.565
16	19" PINE	738.084
17	21" POST OAK	723.152
18	19" WHITE OAK	723.525
19	21" RED OAK	725.177
20	22.5" RED OAK	706.038
21	27" WHITE OAK	724.99
22	24" RED OAK	724.396
23	18" RED OAK	723.263
24	24" SWEETGUM	726.556
25	21" RED OAK	730.838
26	34.5" DOUBLE POPLAR	712.668
27	22" WHITE OAK	732.25
28	18" BEECH	711.583
29	22" HICKORY	737.298
30	23" DOUBLE BEECH	726.694
31	24" ASH	733.591
32	19" WHITE OAK	726.508
33	19"-15" DOUBLE RED OAK	725.94
34	22" WHITE OAK	720.526
35	24" WHITE OAK	740.358
36	20" WHITE OAK	732.115
37	23" BEECH	706.798
38	28" WHITE OAK	731.145
39	23" WHITE OAK	734.902
40	18" ASH	717.429
41	20" WHITE OAK	723.018
42	24" WHITE OAK	732.088
43	20" WHITE OAK	742.609
44	20" WHITE OAK	725.613
45	22" SWEET GUM	725.106
46	26" RED OAK	718.459
47	29" BEECH	717.228
48	18" BEECH	715.95
49	27" BEECH	710.678
50	18" WHITE PINE	741.461
51	24" DOUBLE WHITE OAK	738.668
52	24" PINE	746.012
53	17" RED OAK	741.574
54	23" WHITE OAK	739.249
55	19" WHITE OAK	737.863
56	18.5" WHITE OAK	733.209
57	25" RED OAK	731.763
58	21" SWEET GUM	740.729
59	23" WHITE OAK	732.771
60	18.5" WHITE OAK	729.335
61	21.5" RED OAK	725.138
62	20" WHITE ASH	724.455
63	17" ELM	726.659
64	24" SWEET GUM	722.671
65	32" MAPLE	719.145
66	18" SWEET GUM	722.415
67	36" WHITE OAK	721.496
68	44" TRIPLE SWEET GUM	726.197
69	20" PINE	727.324
70	21" MAPLE	726.459
71	17" PINE	727.257
72	18" WINGED ELM	733.095
73	23" SWEET GUM	735.414
74	30" CEDAR	733.367
75	32" DOUBLE SWEET GUM	732.071
76	42" RED OAK	723.275
77	42" BEECH	720.628
78	20" BLACK CHERRY	729.921
79	21" ELM	723.964
80	26" DOUBLE ELM	723.309
81	20" BEECH	717.352
82	22" SWEET GUM	715.015
83	18" PINE	738.987
84	11" CEDAR	-----
85	12" SWEET GUM	-----
86	16" SWEET GUM	-----
87	14" DOUBLE SWEET GUM	-----
88	18" WHITE OAK	-----
89	12" WHITE OAK	-----
90	12" RED OAK	-----
91	14" HICKORY	-----
92	11" WHITE PINE	-----
93	12" WHITE PINE	-----
94	11" WHITE PINE	-----
95	16" WHITE PINE	-----
96	15" WHITE PINE	-----
97	15" WHITE PINE	-----
98	11" HICKORY	-----
99	11" RED OAK	-----

TREE SURVEY OF A PORTION OF
GREENWAY WASTE SOLUTIONS AT
NORTH MECK, LLC

LEMLEY TOWNSHIP, MECKLENBURG COUNTY, NC

Prepared For:

GREENWAY WASTE SOLUTIONS AT NORTH MECK, LLC
19109 W. CATAWBA AVENUE, SUITE 200
CORNELIUS, NC 28031

PATTERSON LAND SURVEYING, P.A.

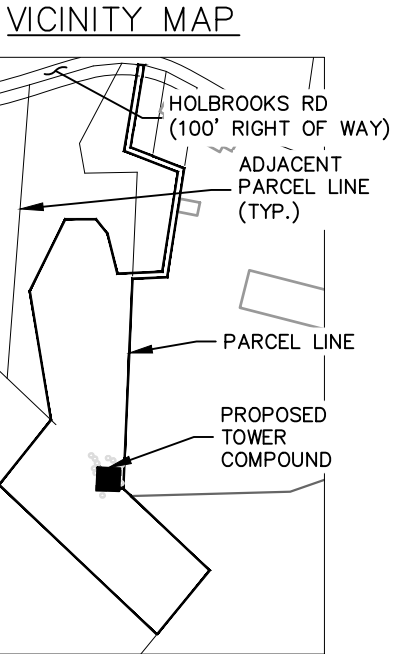
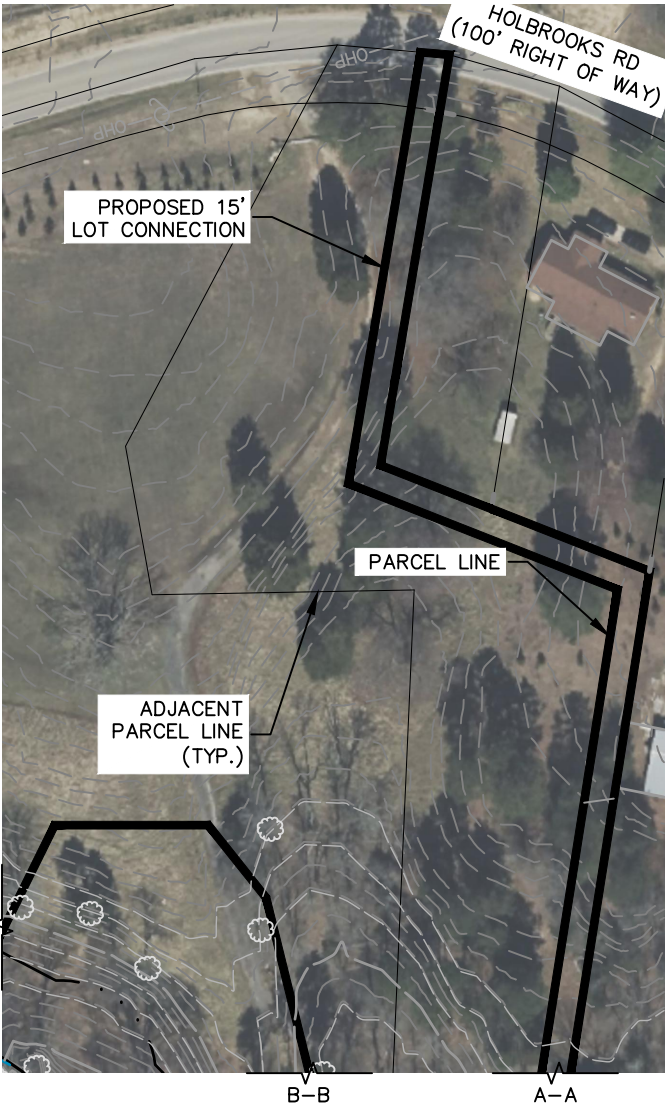
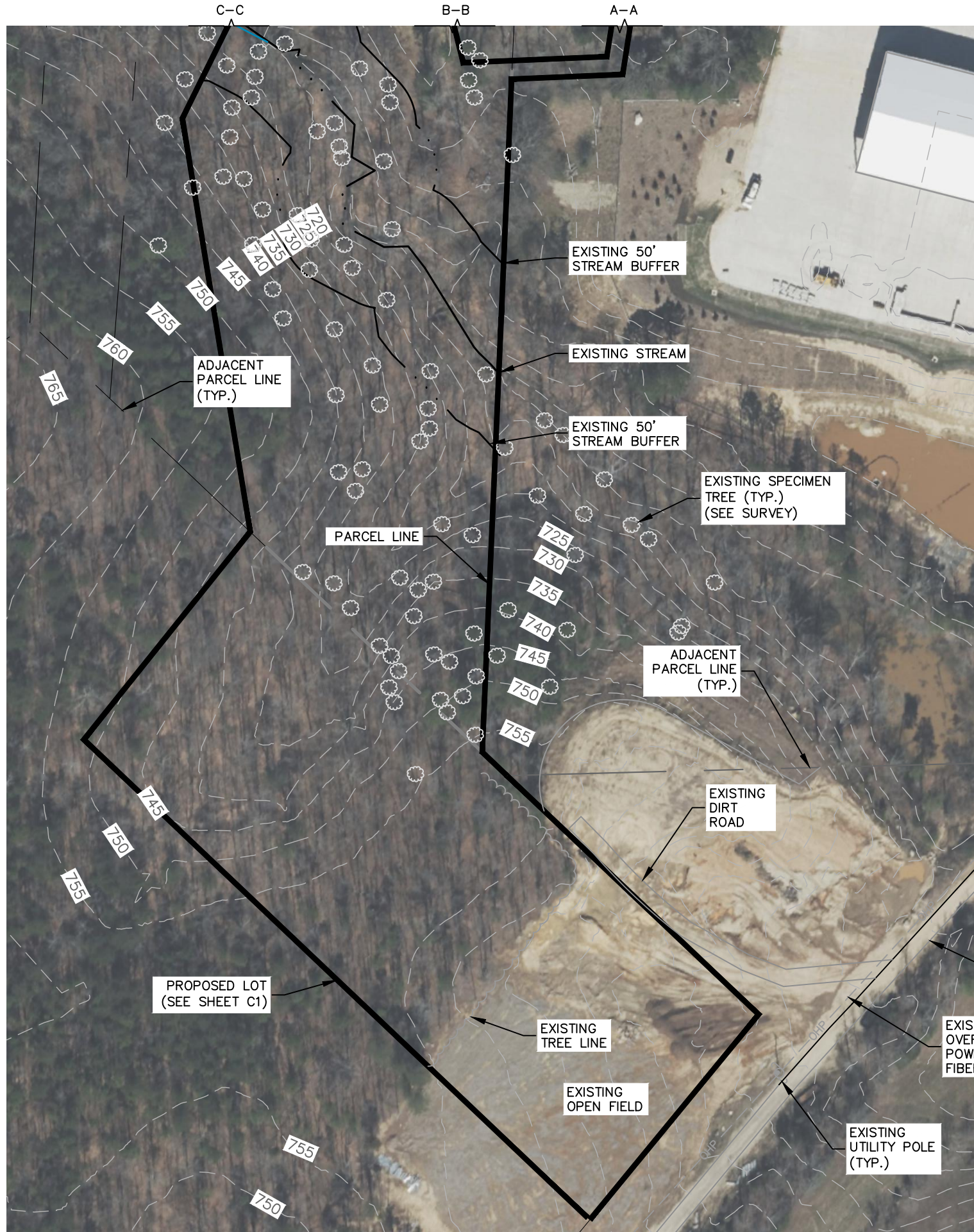
NC LICENSE #: C-3390

P.O. BOX 5010, MOORESVILLE, NC 28117

PHONE: 704-663-0110 EMAIL: pattersonlandsurveying@gmail.com

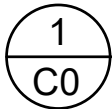
Drawn By: SAG	Checked By: JHP	Scale: 1" = 40'	Project No: 23007
Tax Parcel: 01910113			Sheet No: 1 of 1
Date: August 1, 2023			
File: 23007_TreeSurvey.dwg			

k:\ra_wireless\berkley_group\CAD\ZD\Rev6_08_24_23\ECor-GB.dwg 11/16/23 2:19 PM by: Robert Giesen



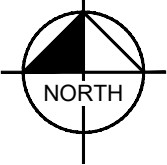
NOTE:

- THE CURRENT SITE DOES NOT CONTAIN THE FOLLOWING:
 - WETLANDS
 - OPEN FIELDS/MEADOWS, SCENIC VIEWS
 - SIGNIFICANT WILDLIFE HABITAT
 - PRIME AGRICULTURAL FARMLAND
 - HISTORIC, ARCHEOLOGICAL, OR CULTURAL FEATURES
 - AQUIFERS OR RECHARGE AREAS
 - CEMETERIES
 - TRAILS
 - TACKS
 - ROADS
- THE EXISTING LAYOUT IS BASED OFF SURVEY PROVIDED BY PATTERSON LAND SURVEYING, P.A. DATED 08/01/23
- KIMLEY-HORN HAS NOT CONDUCTED A SITE VISIT



EXISTING CONDITIONS

SCALE: 1" = 100'



BERKLEY GROUP III LLC

PROJECT INFORMATION:

SITE NAME:
HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

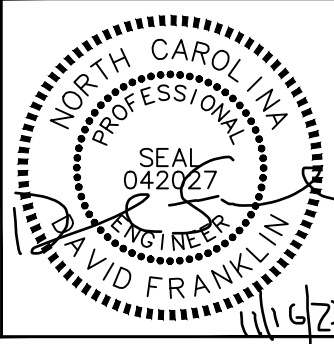
Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM
NC License F-0102

REV: DATE: ISSUED FOR: BY:

8			
7	11/09/23	ZONING	DMF
6	08/29/23	ZONING	DMF
5	08/01/23	ZONING	DMF
4	07/27/23	ZONING	DMF
3	07/05/23	ZONING	DMF
2	03/02/23	ZONING	DMF
1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF

LICENSER:



KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW

KRM

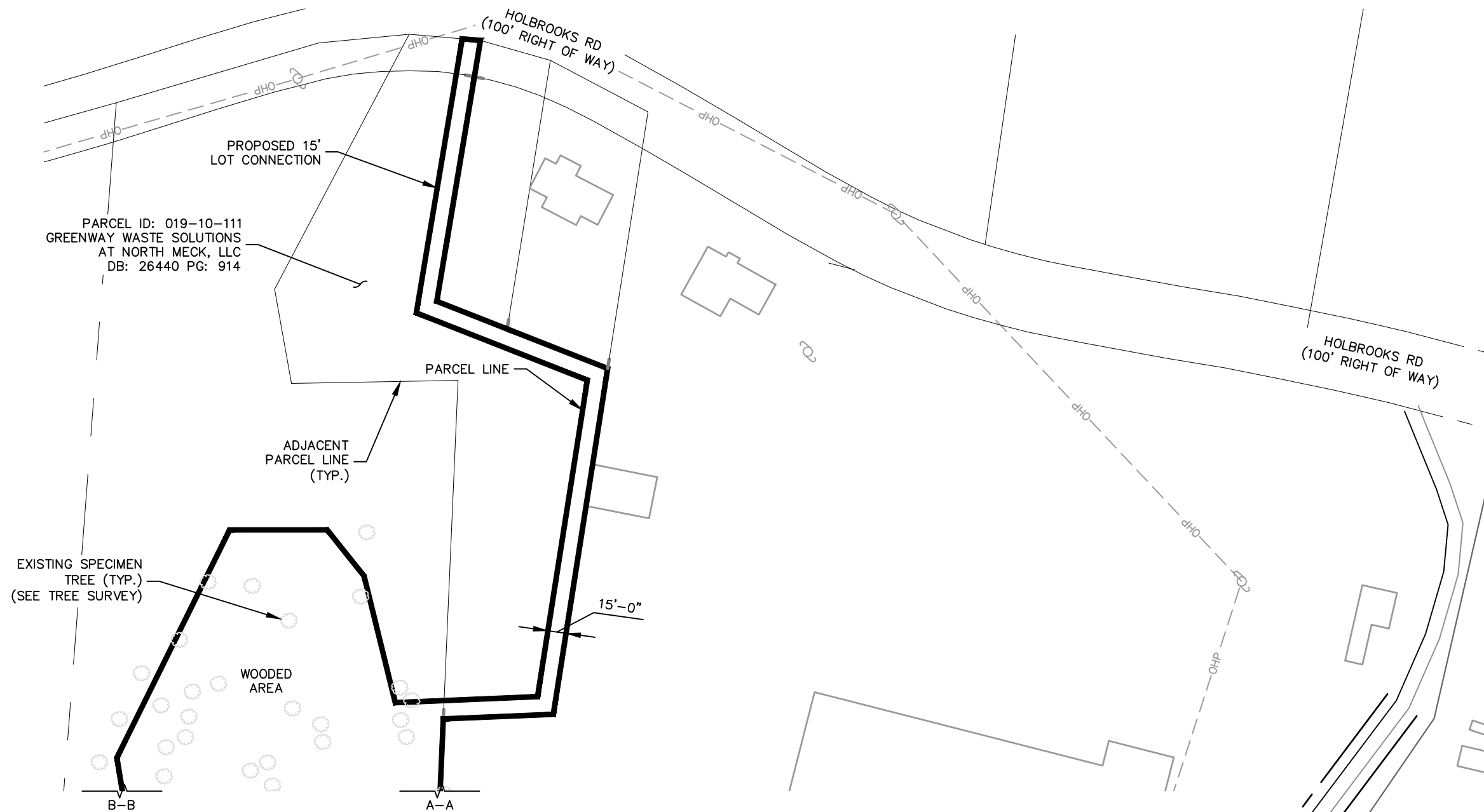
SHEET TITLE:

EXISTING
CONDITIONS

SHEET NUMBER:

C0

k:\ral_wireless\berkley_group\CAD\ZD\Rev6_08_24_23\ECor-GB.dwg 11/16/23 2:19 PM by: Robert Giesen



LEGEND

- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- EXISTING ADJACENT PROPERTY LINE
- EXISTING PROPERTY LINE TO BE RELOCATED

SURVEY NOTE:

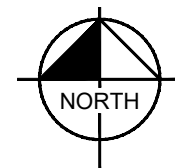
- PROPOSED COMPOUND LAYOUT BASED ON SURVEY PROVIDED BY PATTERSON LAND SURVEYING, P.A. DATED 08/01/23.
- KIMLEY-HORN HAS NOT CONDUCTED A SITE VISIT.

1
C1.1

PROPOSED PROPERTY LINES (LOT)

SCALE: 1" = 100'

(SEE SHEET C1.2)



BERKLEY GROUP III LLC

PROJECT INFORMATION:

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HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

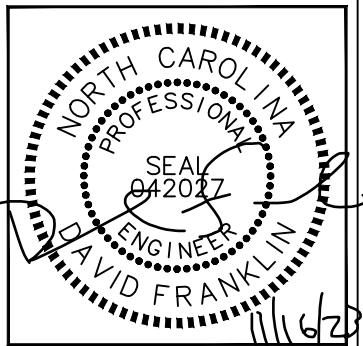
Kimley»Horn

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WWW.KIMLEY-HORN.COM
NC License F-0102

REV: DATE: ISSUED FOR: BY:

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2	03/02/23	ZONING	DMF
1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF

LICENSER:



KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW KRM

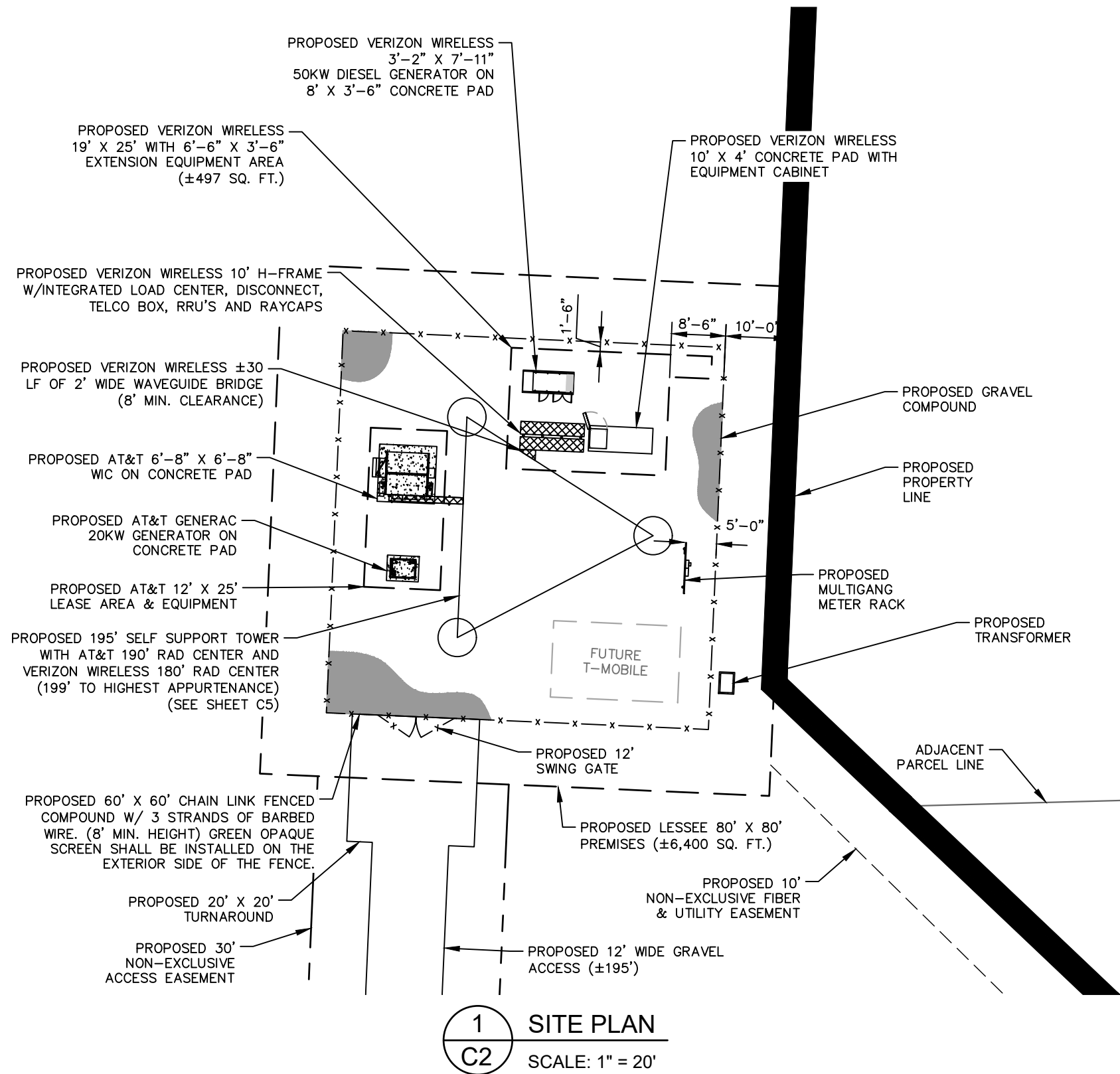
SHEET TITLE:

OVERALL SITE
PLAN

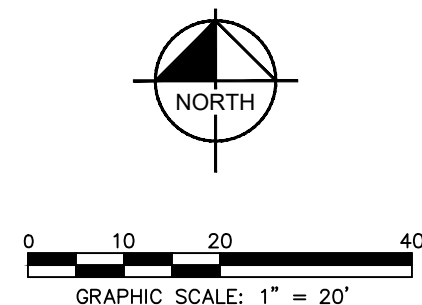
SHEET NUMBER:

C1.1

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SITE DATA TABLE	
TOTAL ACREAGE:	6.00 AC
TOTAL SQUARE FEET:	261,264 SQ. FT.
PRINCIPAL USE(S) (Z.O ARTICLE 3)	COMMERCIAL COMMUNICATIONS TOWER
BUILDING TYPE (Z.O ARTICLE 3, 4, 8, AND 10)	N/A
ZONING DISTRICT:	SP(CD)
OVERLAY DISTRICT, IF APPLICABLE (ARTICLE 3 Z.O)	N/A
PERCENTAGE OF IMPERVIOUS SHOWN	EXISTING - 0 SQ. FT. (0.0%) PROPOSED - 6,700 SQ. FT. (2.6%) TOTAL - 6,700 SQ. FT. (2.6%)
LOT COUNT:	N/A
TOTAL NUMBER OF DWELLINGS (DETACHED/ATTACHED)	N/A
MIXED-USE# OF LIVE/WORK UNITS	N/A
LOT SIZE RANGE	N/A
LOT WIDTHS RANGE (Z.O ARTICLE 3)	N/A
SETBACKS AND BUILD-TO-LINES (Z.O ARTICLE 3, 4, AND 8)	N/A



BERKLEY GROUP III LLC

PROJECT INFORMATION:

SITE NAME:
HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

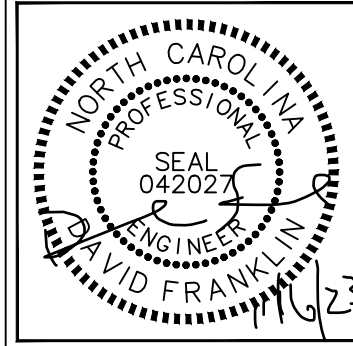
Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM
NC License F-0102

REV: DATE: ISSUED FOR: BY:

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2	03/02/23	ZONING	DMF
1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF

LICENSER:



KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW KRM

SHEET TITLE:

SITE PLAN

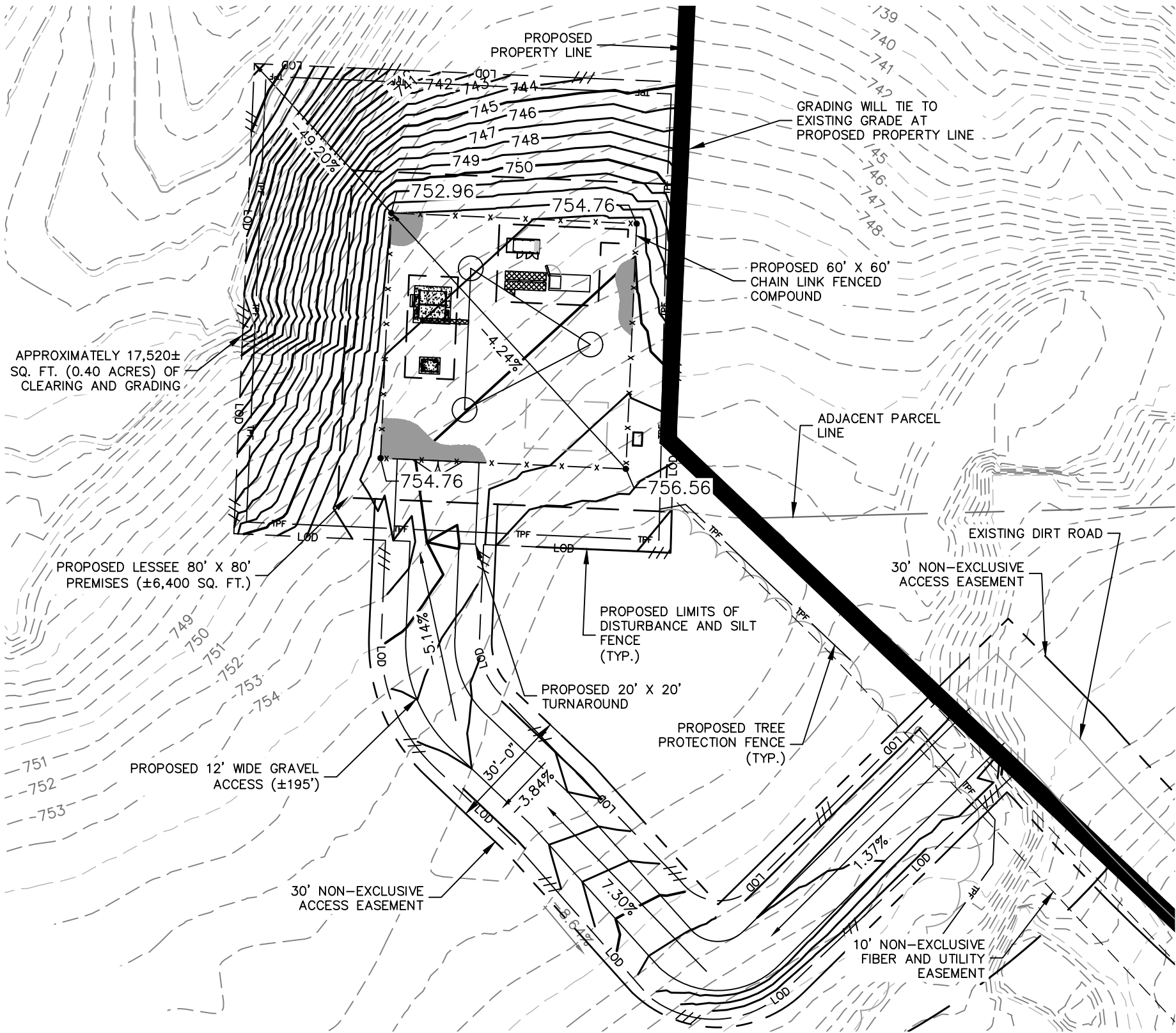
SHEET NUMBER:

C2

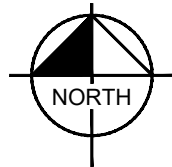
NOTE:
CURRENT DESIGN ANTICIPATES
APPROXIMATELY 17,520± SQ. FT. (0.40
ACRES) OF CLEARING AND GRADING FOR
THE PROPOSED PROJECT. IF ADDITIONAL
CLEARING IS REQUIRED BEYOND WHAT IS
SHOWN IN THE PLANS THE CONTRACTOR
SHALL NOTIFY THE ENGINEER AND/OR
PROJECT MANAGER. IF DURING THE BID
WALK OR CONSTRUCTION IT IS
DETERMINED THAT MORE THAN (1) ACRE
OF LAND IS TO BE DISTURBED FOR
CONSTRUCTION AN EROSION AND
SEDIMENTATION CONTROL PLAN MUST BE
FILED 30 DAYS PRIOR TO
CONSTRUCTION.

LEGEND

EXISTING CONTOURS ————
PROPOSED CONTOURS ————
LOD/SILT FENCE ——— LOD ———
TPF ——— TPF ——— TPF ———
EXISTING SPOT ELEVATION x XXX
PROPOSED SPOT ELEVATION ● XXX



1 GRADING PLAN
C2.1 SCALE: 1" = 30'



BERKLEY GROUP III LLC

PROJECT INFORMATION:

SITE NAME:
HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

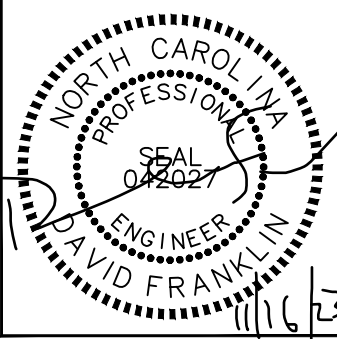
Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4260
WWW.KIMLEY-HORN.COM
NC License F-0102

REV: DATE: ISSUED FOR: BY:

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2	03/02/23	ZONING	DMF
1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF

LICENSER:



KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW KRM

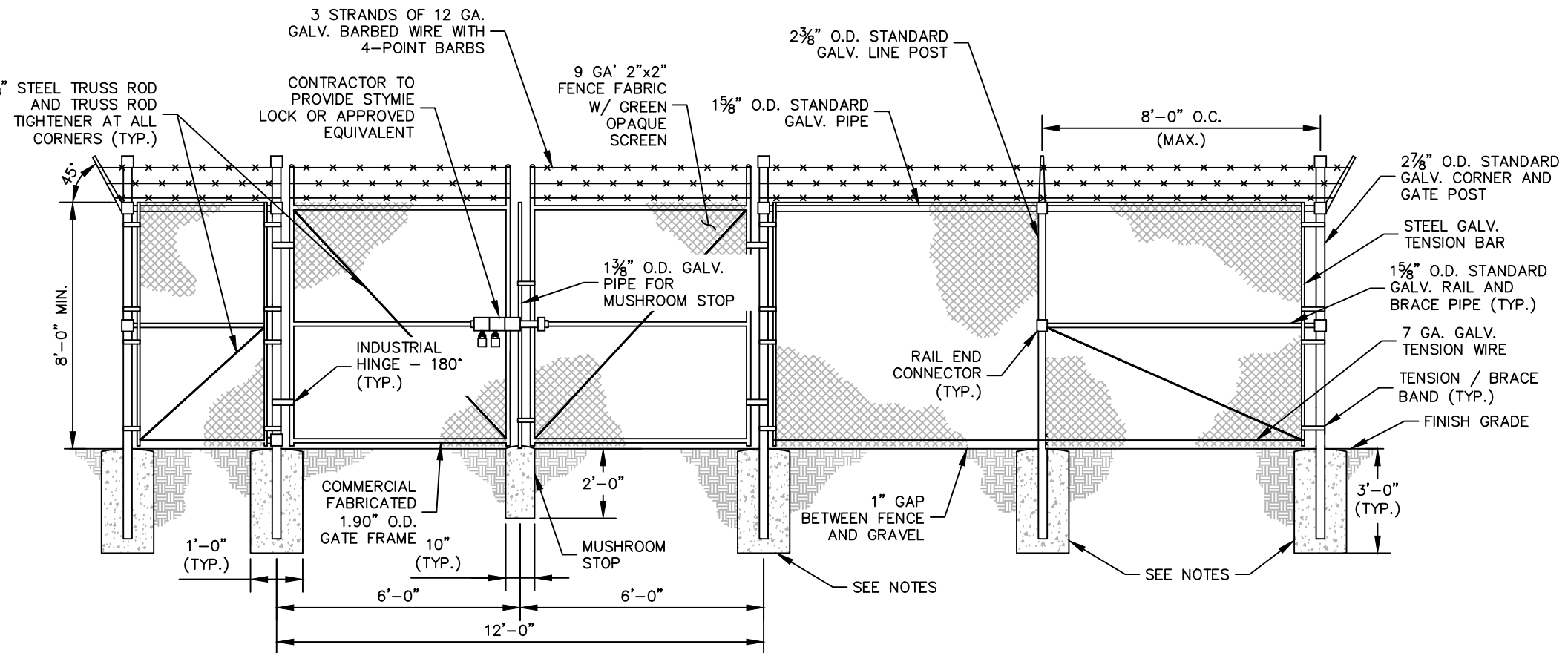
SHEET TITLE:

CONCEPT
GRADING PLAN

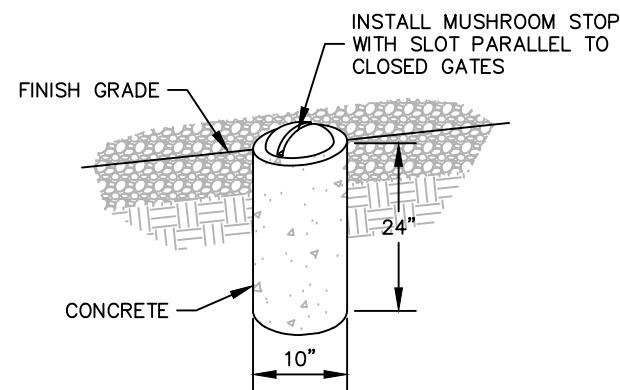
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C2.1

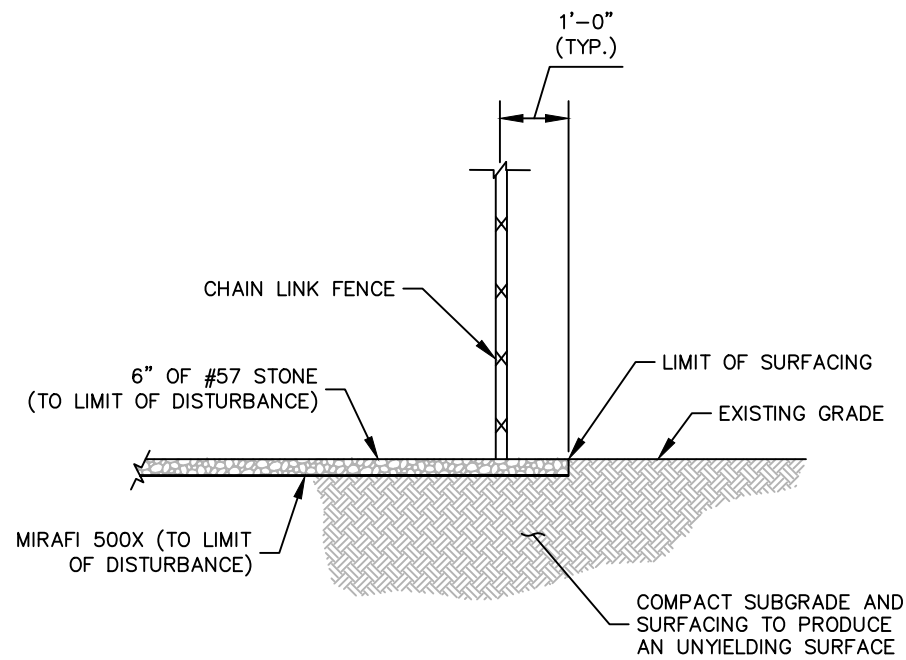
1. USE 3,000-PSI CONCRETE, FULLY CONSOLIDATED AROUND THE POST.
2. WHERE THE POST IS SET IN ROCK OR CONCRETE, CORE A HOLE 12" DEEP AND 1" LARGER IN DIAMETER THAN THE POST. SET THE POST AND GROUT IN PLACE USING NON-SHRINK GROUT.
3. ALL POSTS MUST BE PLUMB AND ALIGNED WITH ONE ANOTHER IN BOTH HORIZONTAL AND VERTICAL PLANES.
4. CORNERS AND GATEPOSTS FOR CHAIN LINK FENCES SHALL EXTEND ABOVE THE TOP STRAND OF BARBED WIRE TO PROVIDE TENSIONING FOR THE BARBED WIRE.
5. PROVIDE MIDRAILS AND BRACING AT ALL CORNER POSTS WHERE THE FENCE CHANGES DIRECTION BY MORE THAN 30 DEGREES.
6. THE GRADE OF THE SITE AND INSTALLATION OF THE FENCE SHALL PROVIDE FOR NO MORE THAN A 1" GAP BETWEEN THE BOTTOM OF THE FENCE MATERIAL AND FINISH GRADE.
7. CONTRACTOR SHALL PROVIDE HOLD OPEN DEVICES FOR ALL GATES AT THE SPECIFIED OPEN POSITIONS, DRIVEN PIPE TYPE RECEIVERS ARE NOT AUTHORIZED.
8. CONTRACTOR SHALL ALSO PROVIDE A MUSHROOM TYPE RECEIVER AT THE CLOSE POSITION.



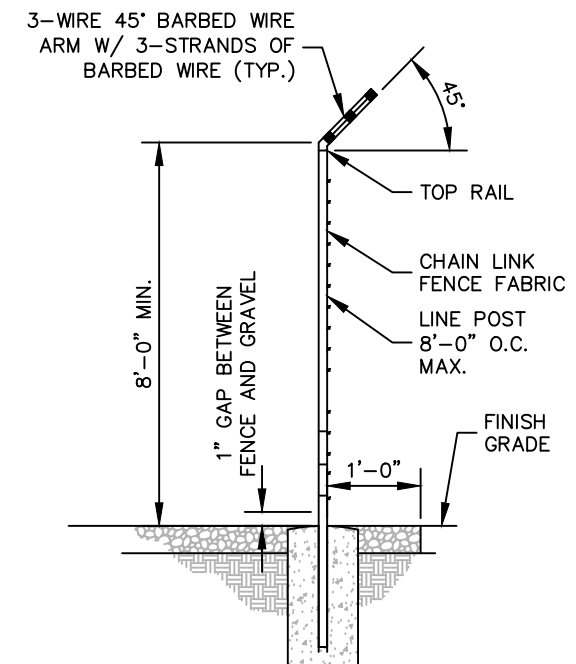
1 CHAIN LINK FENCE AND GATE ELEVATION
C3 NOT TO SCALE



2 MUSHROOM STOP
C3 NOT TO SCALE



3 SITE COMPOUND SURFACE DETAIL

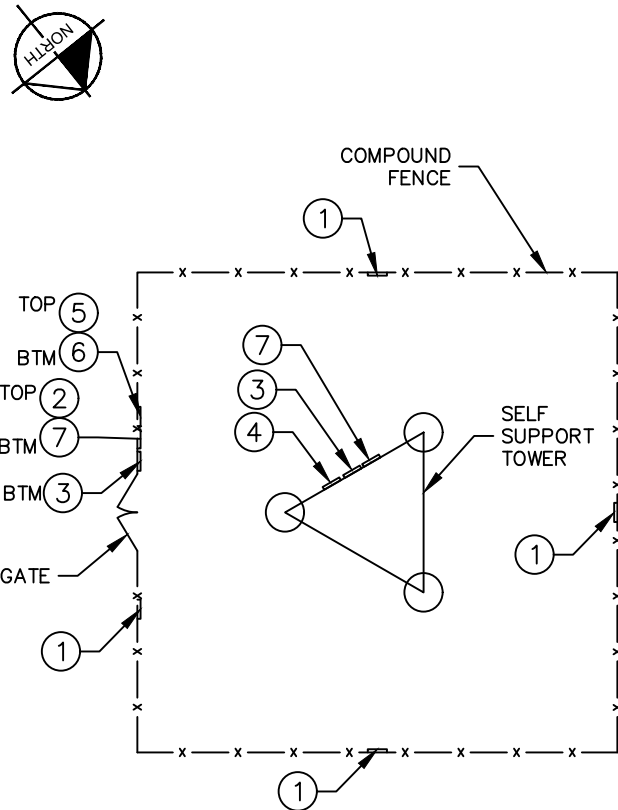


4 SECTION AT FENCE
C3 NOT TO SCALE

8			
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3	07/05/23	ZONING	DMF
2	03/02/23	ZONING	DMF
1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF

C3

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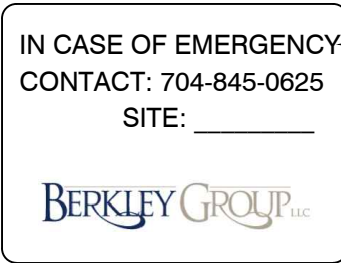
NOTE: SEE TYPICAL SIGNS AND SPECIFICATIONS
DETAIL ON THIS SHEET FOR SIGN DESIGNATIONS.

1
C4 SIGN PLACEMENT PLAN VIEW
NOT TO SCALE



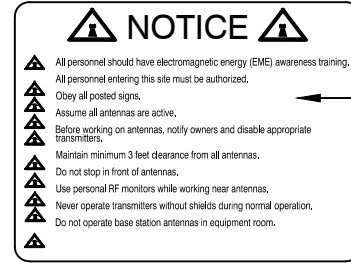
WHITE BACKGROUND w/
RED LETTERING

① NO-TRESPASSING SIGN
18" HIGH X 24" WIDE
(OPERATIONS PROVIDED)



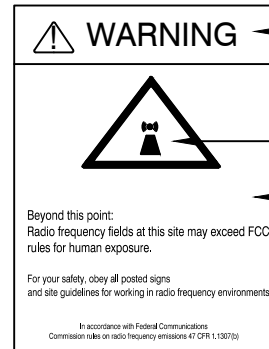
WHITE BACKGROUND w/
BLACK LETTERING

② SITE ID SIGN
18" HIGH X 24" WIDE
(OPERATIONS PROVIDED)



YELLOW BACKGROUND w/
BLACK LETTERING

③ NOTICE-RFE SIGN
12" HIGH X 18" WIDE
(OPERATIONS PROVIDED)



RED BACKGROUND w/
BLACK LETTERING

RED BACKGROUND w/
BLACK LETTERING

WHITE BACKGROUND w/
BLACK LETTERING

④ WARNING-RF SIGN (RED)
12" WIDE X 18" HIGH

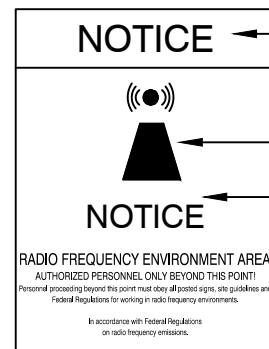


YELLOW BACKGROUND w/
BLACK LETTERING

YELLOW BACKGROUND w/
BLACK LETTERING

WHITE BACKGROUND w/
BLACK LETTERING

⑤ CAUTION-RF SIGN (YELLOW)
12" WIDE X 18" HIGH



BLUE BACKGROUND w/
WHITE LETTERING

WHITE BACKGROUND w/
BLACK LETTERING

WHITE BACKGROUND w/
BLACK LETTERING

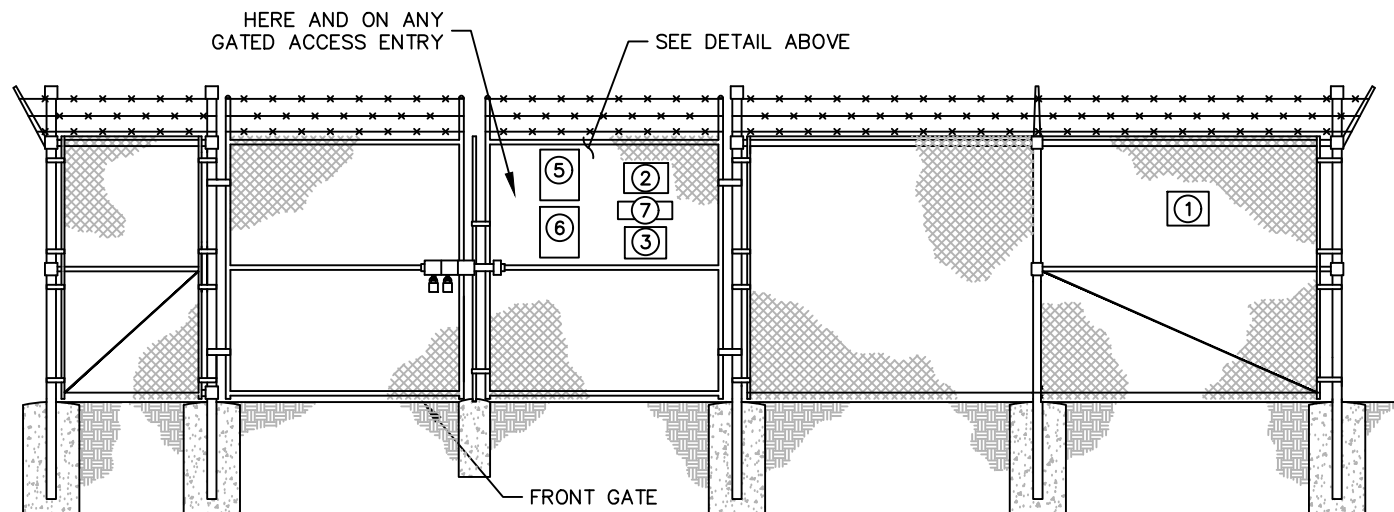
⑥ NOTICE-RF SIGN (BLUE)
12" WIDE X 18" HIGH



WHITE W/BLACK LETTERING

⑦ FCC REGISTRATION SIGN
20" WIDE X 4" HIGH

2
C4 TYPICAL SIGNS AND SPECIFICATIONS
NOT TO SCALE



3
C4 SIGN PLACEMENT FRONT GATE VIEW
NOT TO SCALE

SIGNAGE NOTES:

1. SIGNS SHALL BE FABRICATED FROM CORROSION RESISTANT PRESSED METAL, AND PAINTED WITH LONG LASTING UV RESISTANT COATINGS.
2. SIGNS (EXCEPT WHERE NOTED OTHERWISE) SHALL BE MOUNTED TO THE TOWER, GATE, AND FENCE USING A MINIMUM OF 9 GAUGE ALUMINUM WIRE, HOG RINGS (AS UTILIZED IN FENCE INSTALLATIONS) OR BRACKETS WHERE NECESSARY. BRACKETS SHALL BE OF SIMILAR METAL AS THE STRUCTURE TO AVOID GALVANIC CORROSION.

BERKLEY GROUP III LLC

PROJECT INFORMATION:

SITE NAME:
HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

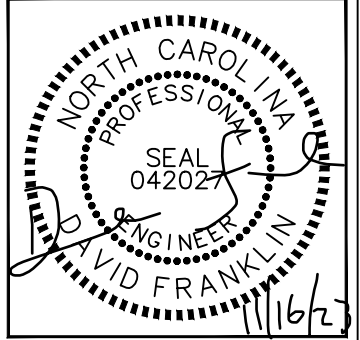
Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM
NC License F-0102

REV: DATE: ISSUED FOR: BY:

8			
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1	12/27/22	ZONING	DMF
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LICENSER:



KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW

KRM

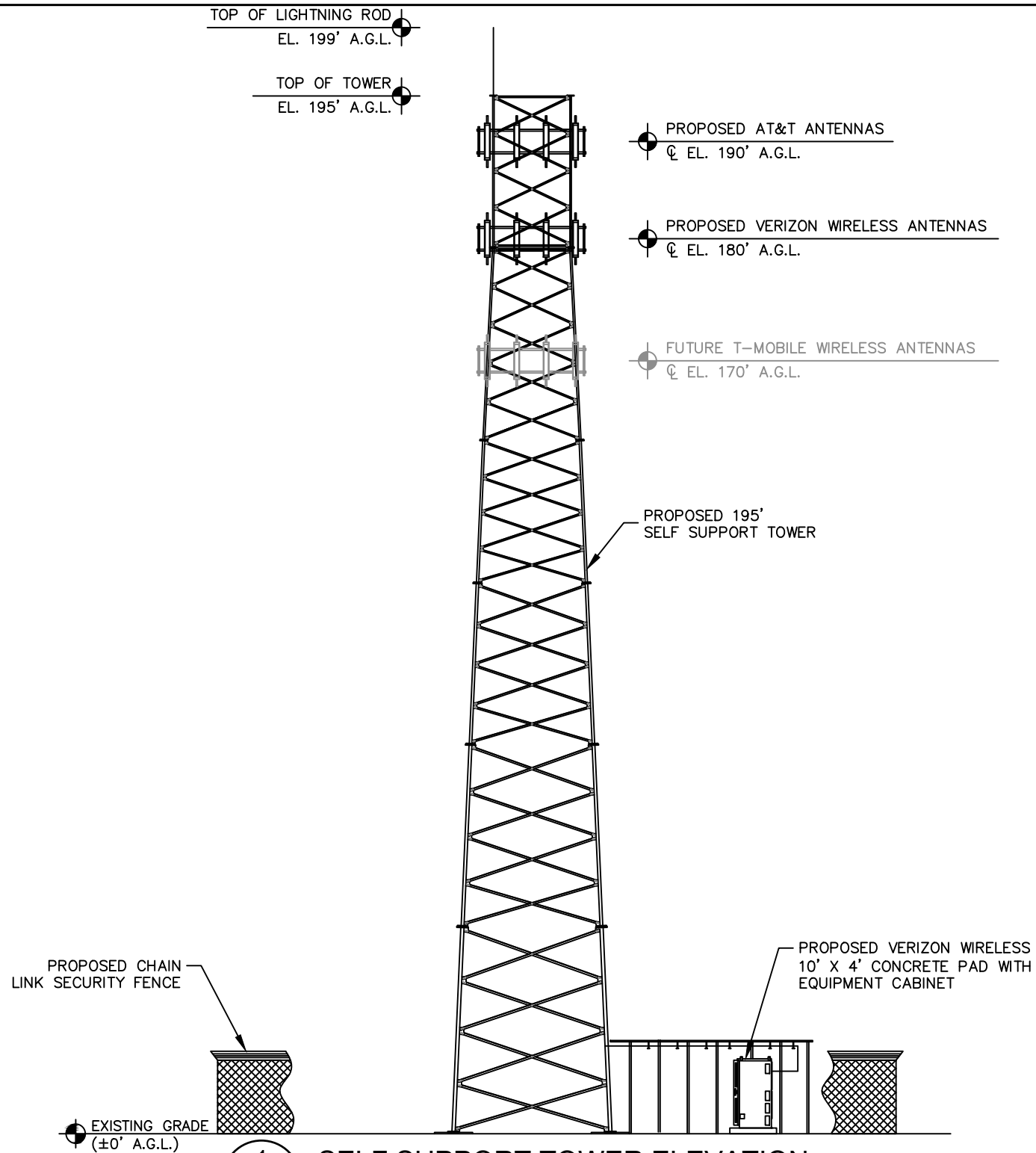
SHEET TITLE:

**SITE SIGNAGE
DETAILS**

SHEET NUMBER:

C4

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1
C5 **SELF SUPPORT TOWER ELEVATION**
NOT TO SCALE

NOTES:

1. ALL PROPOSED ATTACHMENTS TO TOWER BASED ON TOWER DESIGN DRAWINGS BY OTHERS.
2. THE TOWER ELEVATION SHOWN IS FOR REFERENCE ONLY. TOWER DOES NOT REQUIRE LIGHTING.
3. COAX/FIBER CABLE LENGTHS ARE APPROXIMATE. CONTRACTOR TO VERIFY CORRECT LENGTH IN FIELD AT TIME OF CONSTRUCTION.
4. PROPOSED TOWER WILL BE GALVANIZED STEEL-GRAY IN COLOR.
5. GROUND EQUIPMENT NOT SHOWN FOR CLARITY.

BERKLEY GROUP III LLC

PROJECT INFORMATION:

SITE NAME:
HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

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1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF

LICENSER:

For Illustrative
Purposes Only

KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW

KRM

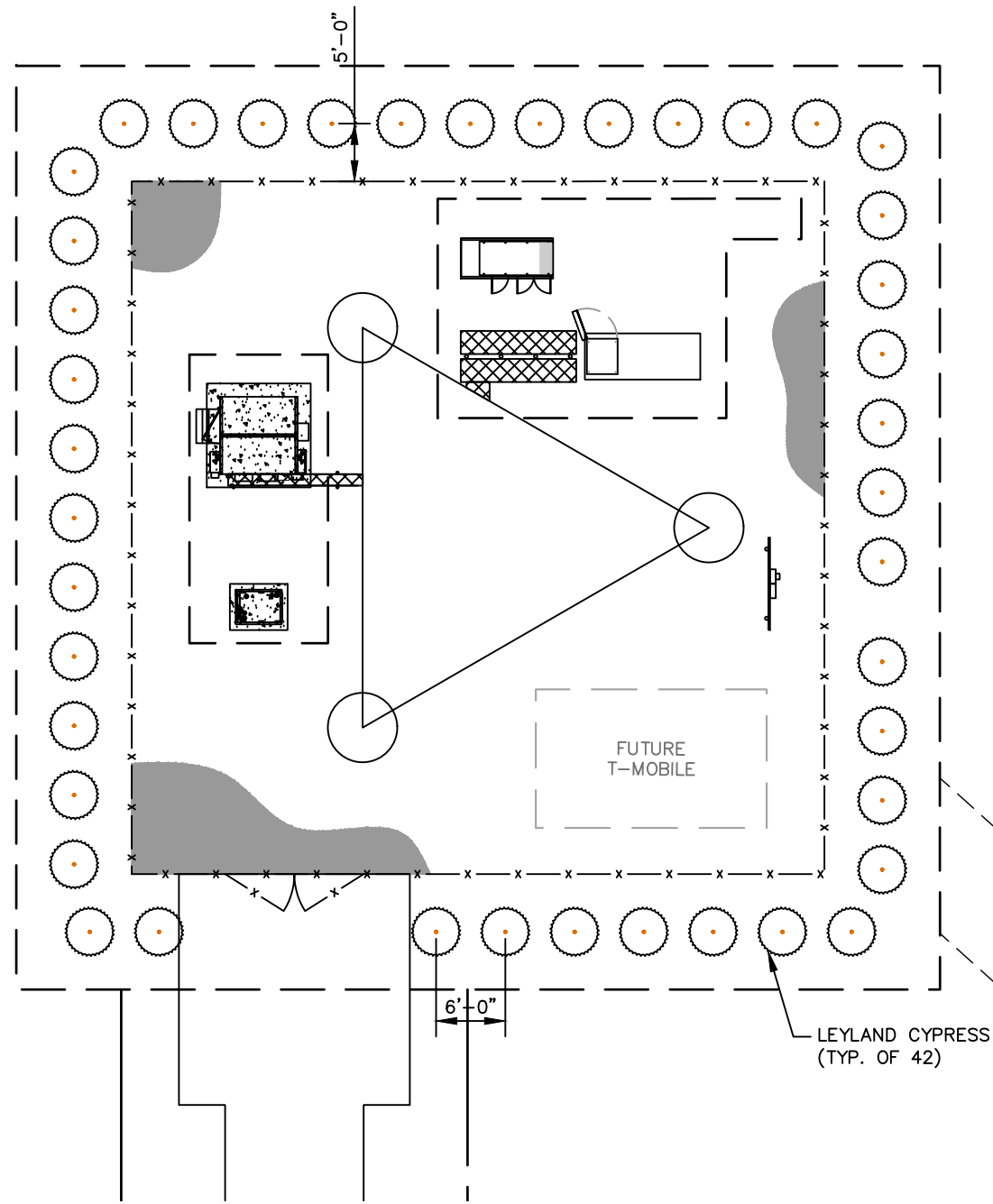
SHEET TITLE:

**ANTENNA AND
TOWER ELEVATION
DETAILS**

SHEET NUMBER:

C5

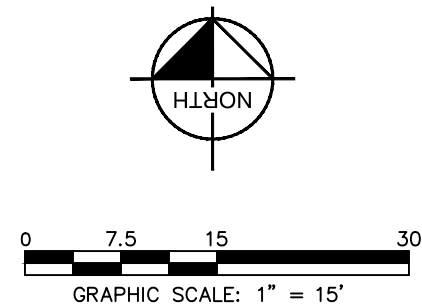
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1 LANDSCAPING PLAN
L1 SCALE: 1" = 15'

GENERAL LANDSCAPE NOTES:

1. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF HIS WORK WITH THAT OF ALL OTHER CONTRACTORS. THIS PLAN DOES NOT GUARANTEE THE EXISTENCE OR NON-EXISTENCE OF ANY UTILITIES. PRIOR TO COMMENCEMENT OF ANY WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ALL ABOVE GROUND AND UNDERGROUND UTILITIES.
2. THE QUALITY AND SIZE OF ALL PLANT MATERIAL SHALL CONFORM TO THE MOST CURRENT STANDARDS AS SET FORTH IN ANSI Z60.180 - AMERICAN STANDARD FOR NURSERY STOCK.
3. ALL DISTURBED AREAS NOT COVERED BY HARDSCAPE OR PLANT MATERIALS SHALL BE COVERED WITH SEED AND STRAW.
4. PLANT SUBSTITUTION MAY BE PERMITTED ONLY AFTER PROOF THAT SPECIFIED PLANTS ARE UNAVAILABLE AND THE REQUEST HAS BEEN SUBMITTED TO THE OWNER OR LANDSCAPE ARCHITECT. THE CONTRACTOR SHALL PROVIDE THE NEAREST EQUIVALENT OBTAINABLE SIZE AND VARIETY OF THE PLANT HAVING THE SAME ESSENTIAL CHARACTERISTICS AS THE PLANT SPECIFIED
5. MINOR PLANT LOCATION ADJUSTMENTS MAY BE MADE IN THE FIELD TO ENSURE ACCESS TO UTILITY JUNCTION BOXES, FREE SITE LIGHTING OF FUTURE TREE CANOPY INTERFERENCE AND ALLOW UNINHIBITED PEDESTRIAN / VEHICULAR CIRCULATION ON ALL PAVEMENTS OR FOUNDATIONS.
6. ALL SHRUB MASSES OF TWO OR MORE SHALL BE EDGED INTO A PLANTING BED AND MULCHED PER DETAIL. ALL INDIVIDUAL TREES AND SHRUBS SHALL HAVE A MULCH SAUCER EQUAL IN DIAMETER TO THE PLANTING PIT DIAMETER AND SHALL BE MULCHED AS SHOWN ON THE DETAILS. UNLESS OTHERWISE INDICATED, ALL BED EDGES SHALL BE A DEEP CUT CLEAN SPADE EDGE.
7. THE CONTRACTOR SHALL VERIFY THAT EACH TREE OR SHRUB PIT WILL DRAIN BEFORE INSTALLING PLANT MATERIAL. HE SHALL FILL THE HOLE WITH SIX INCHES (6") OF WATER THAT SHOULD PERCOLATE OUT WITHIN TWENTY-FOUR HOURS. SHOULD ANY AREA NOT DRAIN PROPERLY, A PERFORATED DRAIN LINE SHALL BE INSTALLED, OR THE PLANTS RELOCATED.
8. THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY IF HE ENCOUNTERS ANY UNSUITABLE SURFACE OR SUBSURFACE DRAINAGE CONDITIONS, SOIL DEPTH, LATENT SOILS, HARD PAN, UTILITY LINES, OR OTHER CONDITIONS THAT WILL JEOPARDIZE THE HEALTH AND VIGOR OF THE PLANTS. SHOULD THE CONTRACTOR NOT NOTIFY THE OWNER OF A PROBLEM AREA, HE WARRANTS THAT THE AREAS ARE SUITABLE FOR PROPER GROWTH AND DEVELOPMENT OF ALL PLANTS INSTALLED.
9. THE CONTRACTOR SHOULD VERIFY LANDSCAPING/TREE PLANTING LOCATIONS WITH THE PUBLIC UTILITIES DEPARTMENT TO AVOID CONFLICTS WITH WATER, SEWER, AND GAS LINES.
10. PLANTS SHALL BE SO TRAINED IN DEVELOPMENT AND APPEARANCE AS TO BE UNQUESTIONABLE SUPERIOR IN FORM, COMPACTNESS AND SYMMETRY. THEY SHALL BE SOUND, HEALTHY, VIGOROUS, WELL BRANCHED AND DENSELY FOLIATED WHEN IN LEAF, AND FREE OF DISEASE AND INSECT ADULT EGGS, PUPAE OR LARVAE. THEY SHALL HAVE HEALTHY, WELL-DEVELOPED ROOT SYSTEMS AND SHALL BE FREE FROM PHYSICAL DAMAGE OR OTHER CONDITIONS THAT WOULD PREVENT THRIVING GROWTH.
11. THERE SHALL BE NO CIRCLING OR GIRDLING ROOTS. CIRCLING ROOTS SHOULD BE CUT IN AT LEAST ONE PLACE.
12. THERE SHOULD BE ONE DOMINANT LEADER TO THE TOP OF THE TREE WITH THE LARGEST BRANCHES SPACED AT LEAST 6 INCHES APART. THERE CAN BE TWO LEADERS IN THE TOP 10% OF THE TREE IF IT IS OTHERWISE OF GOOD QUALITY.
13. THE TREE CANOPY SHOULD BE SYMMETRICAL AND FREE OF LARGE VOIDS. CLEAR TRUNK SHOULD BE NO MORE THAN 40% OF TREE HEIGHT UNLESS OTHERWISE SPECIFIED IN THE PLANTING SPECIFICATIONS. CLEAR TRUNK SHALL BE OF SUFFICIENT HEIGHT TO CLEAR SURROUNDING USES THAT MAY BE IMPACTED BY THE FUTURE GROWTH OF THE TREE.
14. OPEN TRUNK AND BRANCH WOUNDS SHALL BE LESS THAN 10% OF THE CIRCUMFERENCE AT THE WOUND AND NO MORE THAN 2 INCHES TALL. PROPERLY MADE PRUNING CUTS ARE NOT CONSIDERED OPEN TRUNK WOUNDS. THERE SHOULD BE NO CONKS OR BLEEDING, AND THERE SHOULD BE NO SIGNS OF INSECTS OR DISEASE ON MORE THAN 5% OF THE TREE.
15. IF ANY OF THE ABOVE CONDITIONS ARE NOT MET, TREES MAY BE REJECTED.
16. TREE PROTECTION DEVICES MUST BE INSTALLED AND INSPECTED PRIOR TO ANY CLEARING, GRUBBING, OR GRADING OF THE SITE BY THE LOCAL ARBORIST.



BERKLEY GROUP III LLC

PROJECT INFORMATION:

SITE NAME:
HUNTERSVILLE CENTER

15105 HOLBROOKS ROAD
HUNTERSVILLE, NC 28078
MECKLENBURG COUNTY

PLANS PREPARED BY:

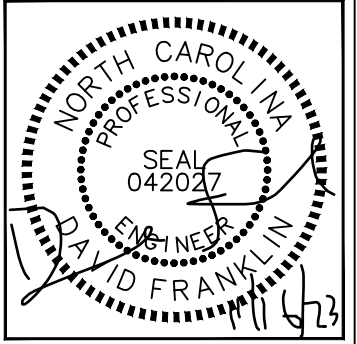
Kimley»Horn

11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM
NC License F-0102

REV: DATE: ISSUED FOR: BY:

8			
7	11/09/23	ZONING	DMF
6	08/29/23	ZONING	DMF
5	08/01/23	ZONING	DMF
4	07/27/23	ZONING	DMF
3	07/05/23	ZONING	DMF
2	03/02/23	ZONING	DMF
1	12/27/22	ZONING	DMF
0	07/26/22	ZONING	DMF

LICENSER:



KHA PROJECT NUMBER:

019869008

DRAWN BY: CHECKED BY:

WJW KRM

SHEET TITLE:

LANDSCAPING
PLAN & NOTES

SHEET NUMBER:

L1

Huntersville Center Telecommunications Tower

Community Meeting Report

Location: Huntersville Arts and Cultural Center

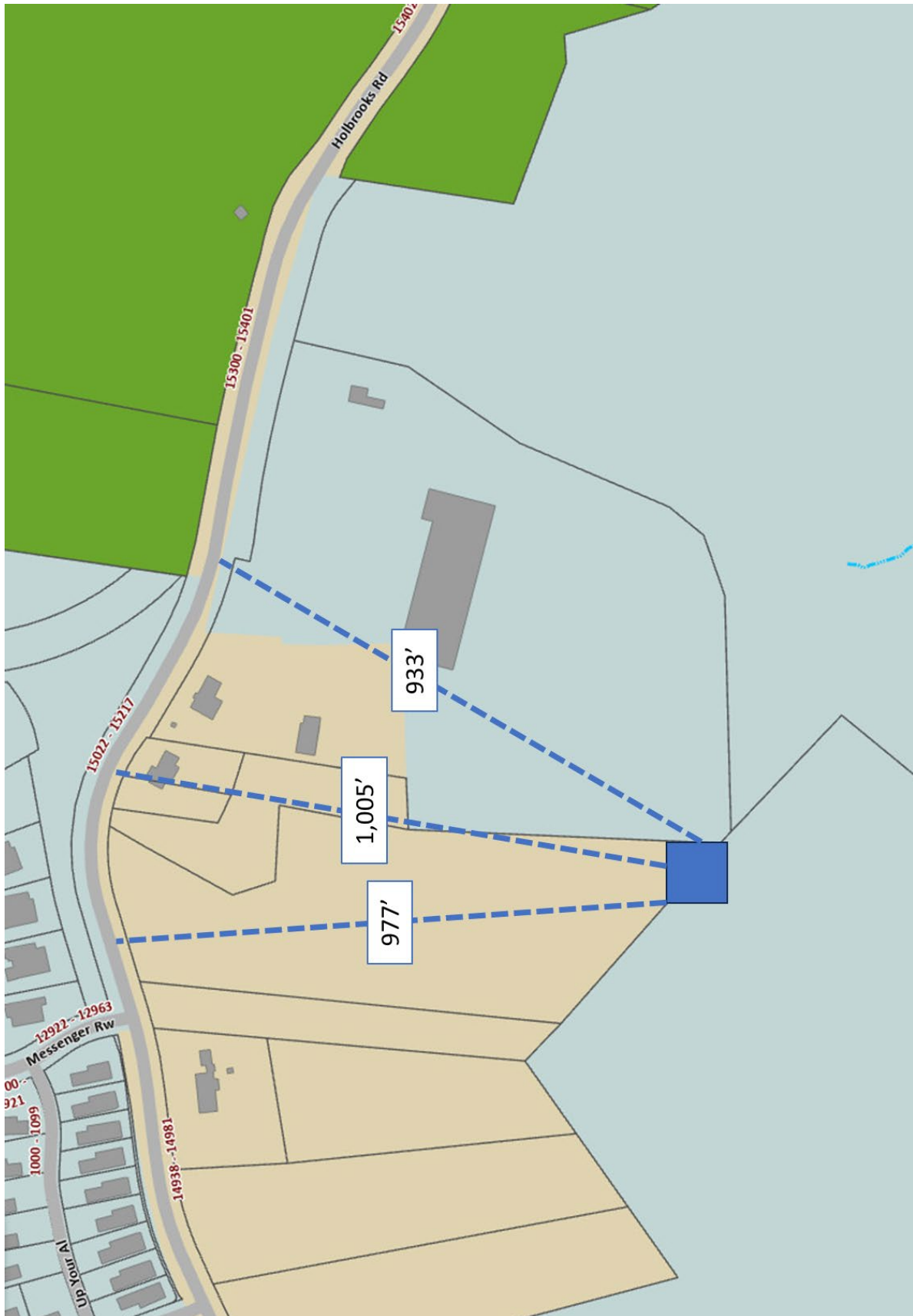
Date: October 30, 2023

Time: 6:00pm – 7:00pm

Applicant and the community attendees discussed the following comments and questions (answers to questions in bold):

- What is the specific rezoning language for the project? **The rezoning language allows for communications towers and the associated accessory uses. The land is being rezoned from Neighborhood Residential (NR) to Special Purpose-Conditional District (SP-CD) to allow for the construction of the cell tower. The language is as follows:**
 - *As shown on the Site Plan, the Property may be developed for a Commercial Communication Tower use, and any accessory uses to the Commercial Communication Tower use, subject to the development standards associated with such use. Residential use is not permitted in the 200' buffer shown on the Rezoning Plan. Any labeling on the Rezoning Plan may be an indication of the current intention on the part of Petitioner but shall not restrict the Property in a manner that conflicts with the provisions of these Development Standards. In the event there is a conflict or inconsistency between these rezoning notes and the Rezoning Plan or application, these rezoning notes shall control.*
- Will there be any flashing lights or other light fixtures on the structure? **No, the tower is under the 200' requirement for flashing lights required by the FAA. In the preliminary studies, no lighting was indicated.**
- Are there any towers nearby that look like this proposed tower? **There is an original communications tower near the Food Lion on Gilead Rd. and HWY 21.**
- How stable is the tower? **Technology has advanced to allow for shorter, stronger towers with more capabilities. This tower will last 70 + years structurally.**
- What if someone else wants to build a tower near this one? **New towers cannot be placed within a one-mile radius of an existing tower. Any new tower would be at least one mile away.**
- Is there a need for this tower in the area? **Yes, particularly to improve the coverage for emergency calls. The coverage map from the Community Meeting presentation (attached) shows the sparse coverage in the area. 68% of 911 calls come through cell towers from cell phones.**
- Why is the property such a weird shape? **The odd shape is due to the requirements of the Huntersville Zoning Ordinance that communication towers meet criteria for siting and setbacks.**
- What is the timeline for construction? **After zoning approvals, the building permit will happen which takes some time. After that, the materials are delivered the construction process should only take 2 months. Engineered drawings go through the approval process which can take 3-6 months.**
- How intense is the construction process? **This is a very non-invasive construction process.**

- After installation will there be any traffic or construction? **The initial construction will bring the most traffic and that is a total of 3-5 days of heavy construction, but overall, it will be a short 2-month process. Once functioning, the carriers will visit the site every couple of months for routine maintenance and upkeep in an SUV type of vehicle.**
- What is the structural integrity of the tower? **The tower is incredibly well engineered and built to withstand extreme conditions. It meets and exceeds all local, state, and federal laws.**
- How big will the access road be, and will it go all the way up to Holbrooks Road? **The access road to Holbrooks Road is so the lot fronts a public street. The property will use an already existing access road through the adjacent site.**
- Will the access road to Holbrooks be paved? (Neighbors indicated they do not want it paved) **The developer intends to disturb as little of the area as possible. The road will not be paved unless required by the Town or if access through the adjacent property is eliminated.**
- Will there be a gate at the entrance to keep people from trespassing? (Neighbors indicated they did not want a gate at Holbrooks Road) **There is a company gate at Holbrooks Road now, and there will be a fence that surrounds the 60' by 60' area where the tower is located to comply with regulations. The fence is a minimum of 8 feet tall.**
- What is the distance to Holbrooks Road from the 60' by 60' pad? (Applicant did not have exact number during Community Meeting) **Holbrooks Road is approximately 1000' from Holbrooks Road (see attached site plan).**
- How many trees will be cleared? **The applicant will save as many trees as possible (see the attached tree survey).**
- Were all the required notices sent out? And were the notices sent by certified mail? **The notices were sent to the following neighbors and the list was confirmed by the Town of Huntersville. The notices were sent out to all the required recipients. (See attached mailing list and certified mail receipts)**
- Will there be any change to the location of the 60' by 60' fenced in area? **No, this is the designated location for the tower based on analysis to find the most beneficial location for cell service.**
- Is there an electrical danger associated with the tower? **This tower is designed to work at a lower power level to enhance safety. This in turn requires more cell towers to cover all the gaps (see attached coverage map). This tower meets and exceeds all local, state, and federal requirements and ANSI standards.**
- What are the next steps in the rezoning process?
 - **Public Hearing will be held on January 2, 2024 – requested delay until January 16**
 - **Planning Board January 23, 2024**
 - **Town Board Final Vote February 19, 2024**
- Where can I find information from the site plan/rezoning documents? **Yes, the Town of Huntersville has the submitted plans available on their website.**
 - [L1 \(huntersville.org\)](http://L1(huntersville.org))
- Can I email the Applicant with any questions or requests for additional information? **Yes, see the below email/contact information.**
 - Bonnie Newell – b_newell@bellsouth.net
 - Robert Irvin – robert@irvinlawgroup.com
- What is the distance from the tower's fenced area to Holbrooks Road? **See below map.**



Community Meeting Attendance Log

Project Name:	Huntersville Center Telecommunications Tower R2 23-10
Location of Meeting:	Huntersville Arts & Cultural Center
Date:	10/30/23
Time:	6:00 pm

Pursuant to Huntersville Subdivision Ordinance 6.320.3 a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project.

For the record of attendance, please list your first and last name:

1	Agatha Smith	26
2	Nathan Farber	27
3	Laura Macek	28
4	Bob Macek	29
5	Haley Henderson	30
6	Hunter Hurt	31
7		32
8		33
9		34
10		35
11		36
12		37
13		38
14		39
15		40
16		41
17		42
18		43
19		44
20		45
21		46
22		47
23		48
24		49
25		50

Huntersville Center Telecommunications Tower

Community Meeting

Rezoning Petition: #23-10

Applicant: The Berkley Group III, LLC

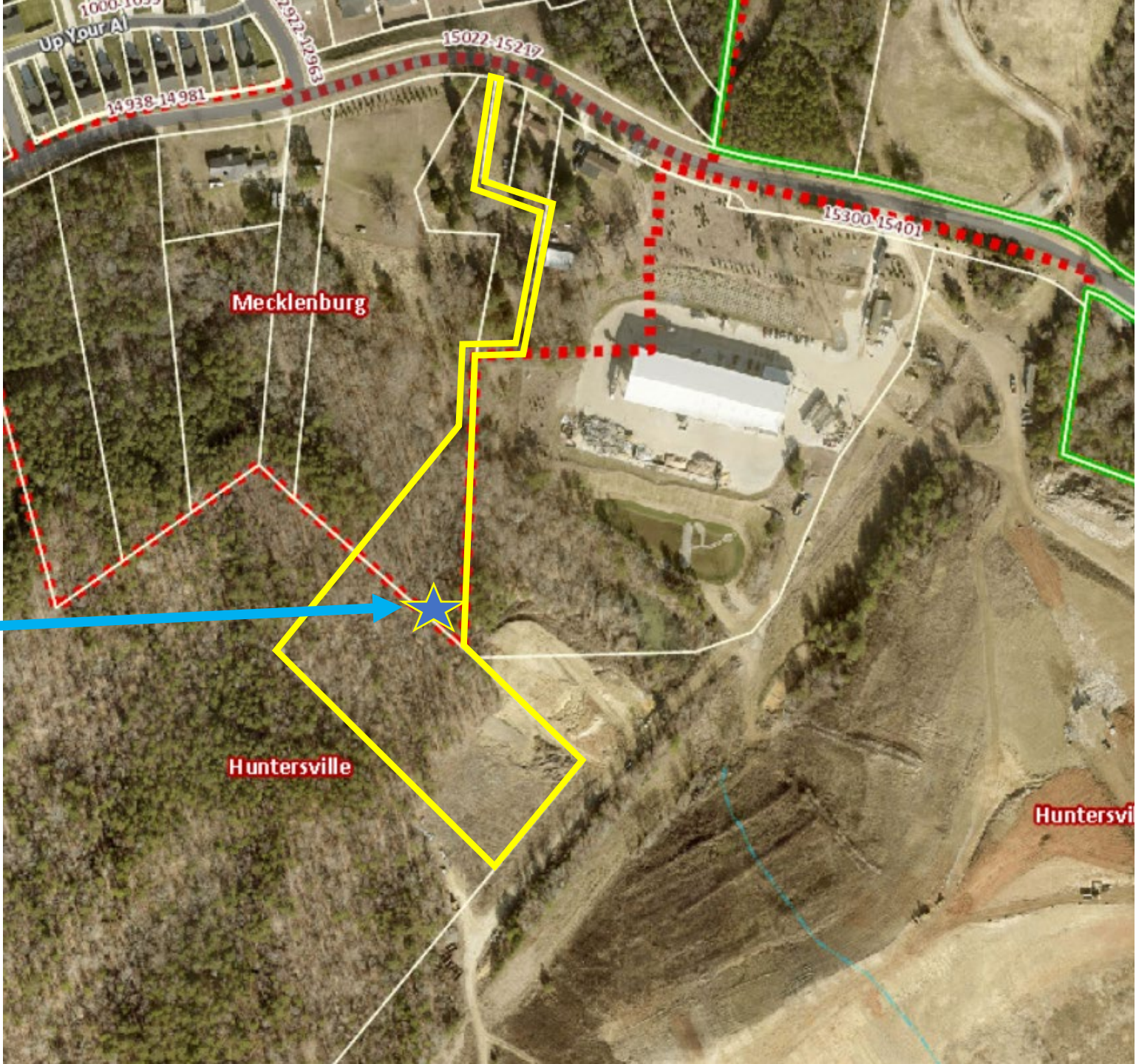
Parcel Numbers: 01910116, 01910113, & 01910111

BERKLEY GROUP III_{LLC}



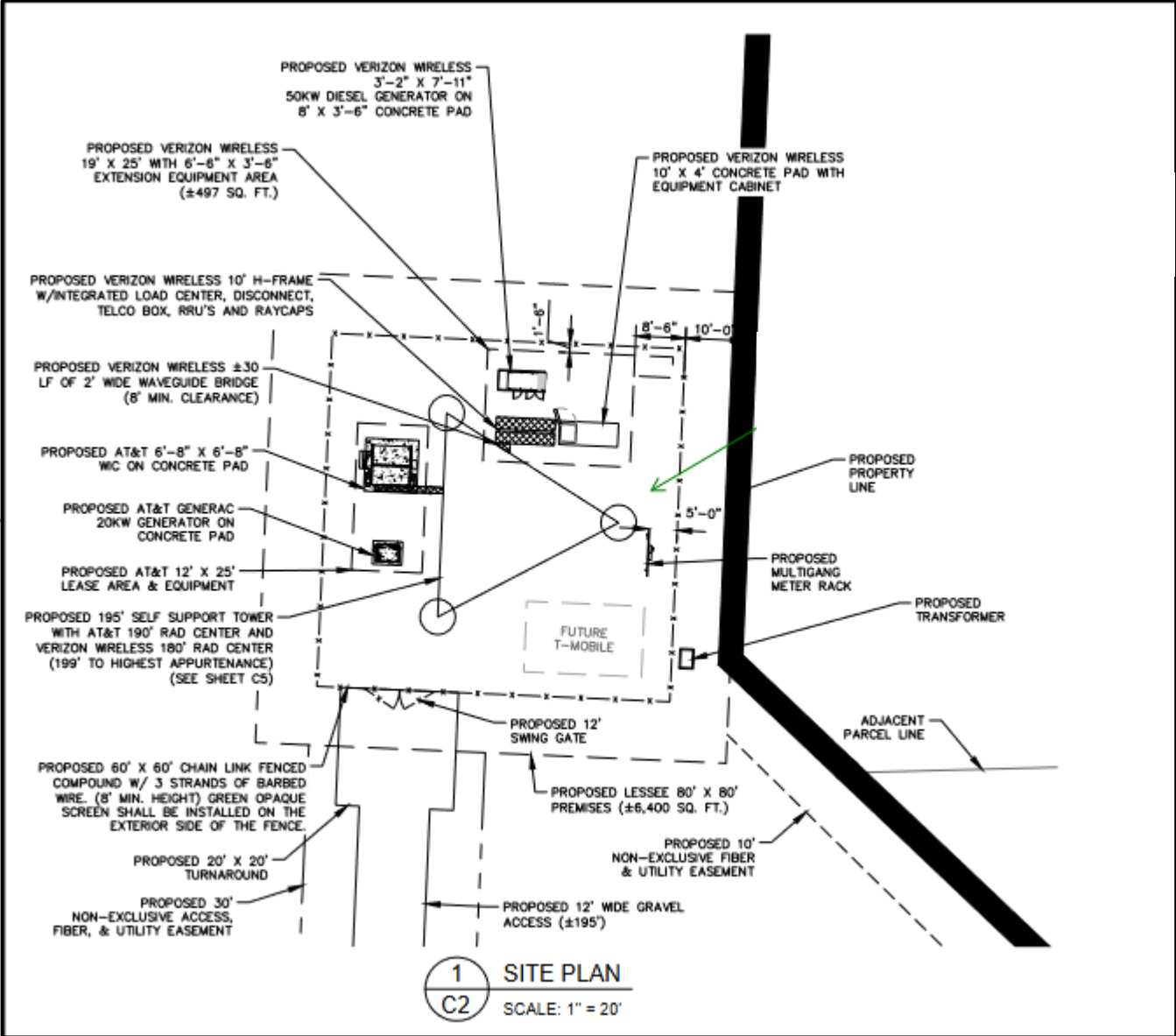
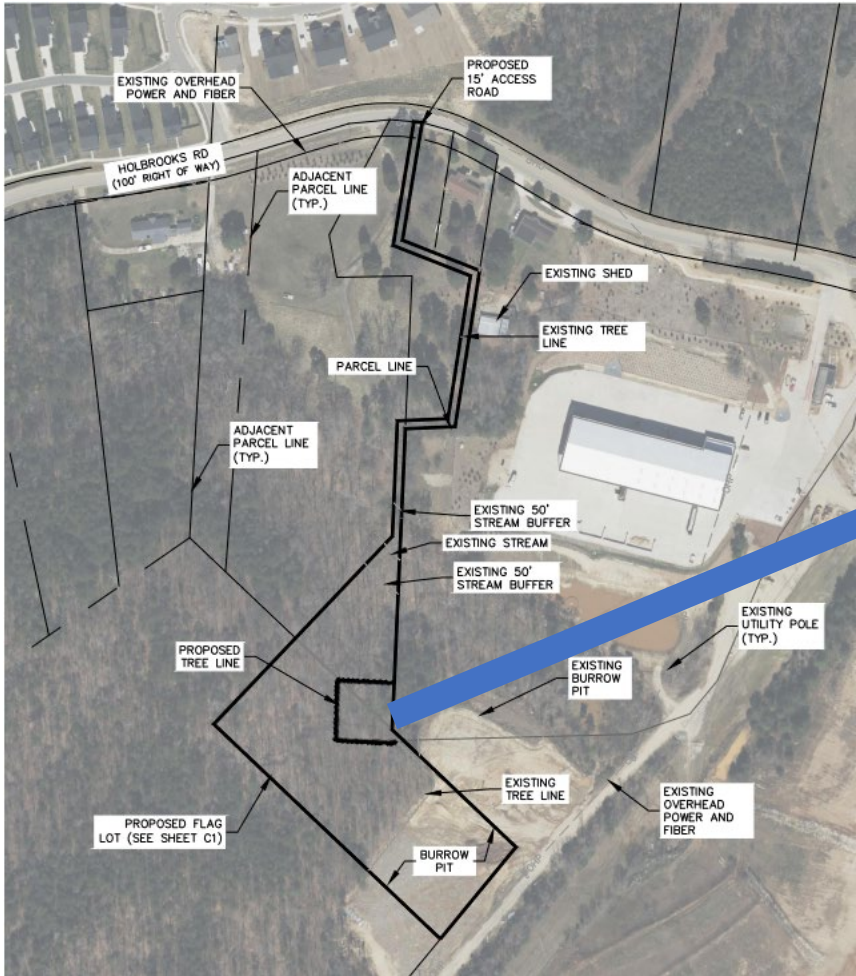
Site Location

15105 Holbrooks Road
Huntersville, NC 28078



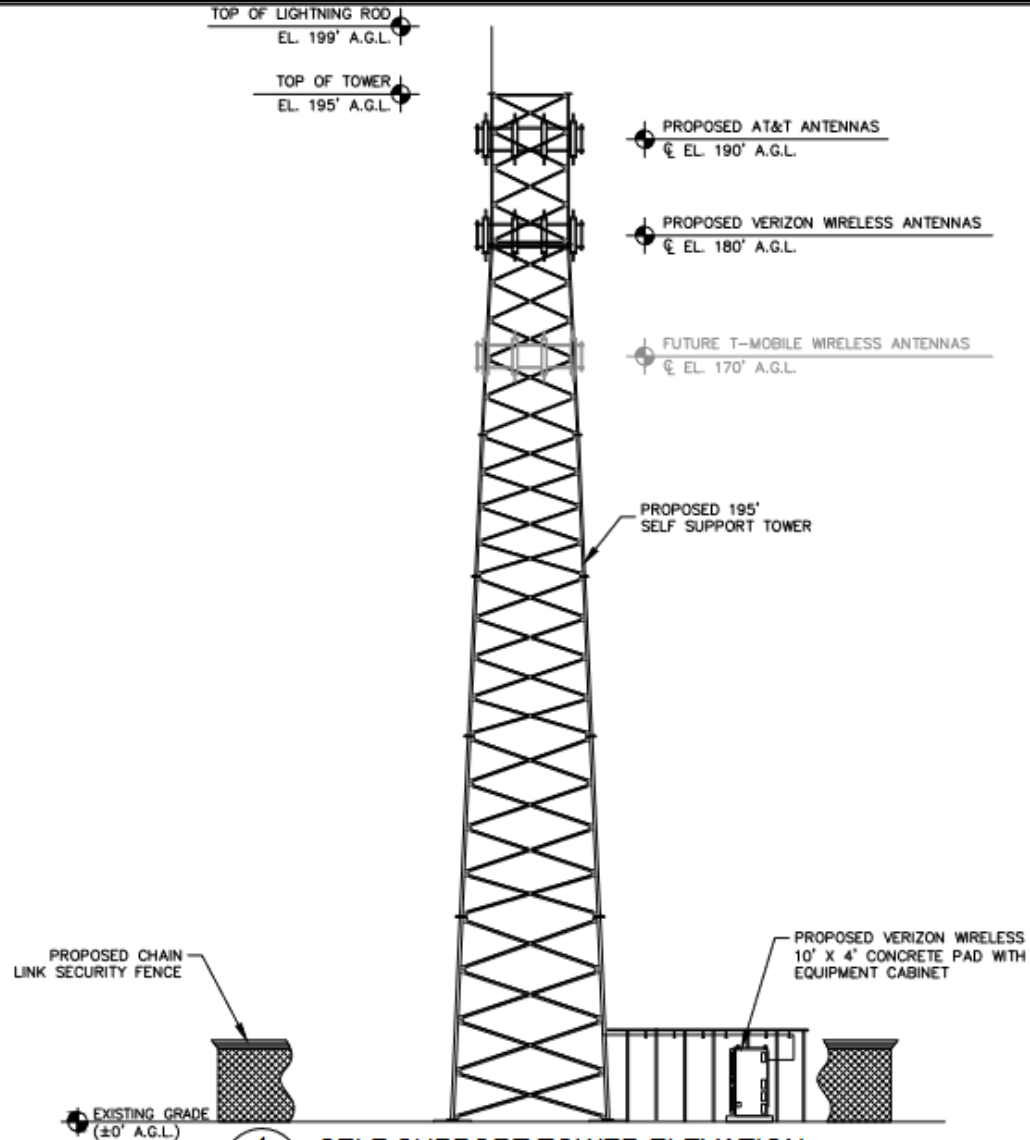
Tower Location

Communication Tower





Holbrooks Road (2446)

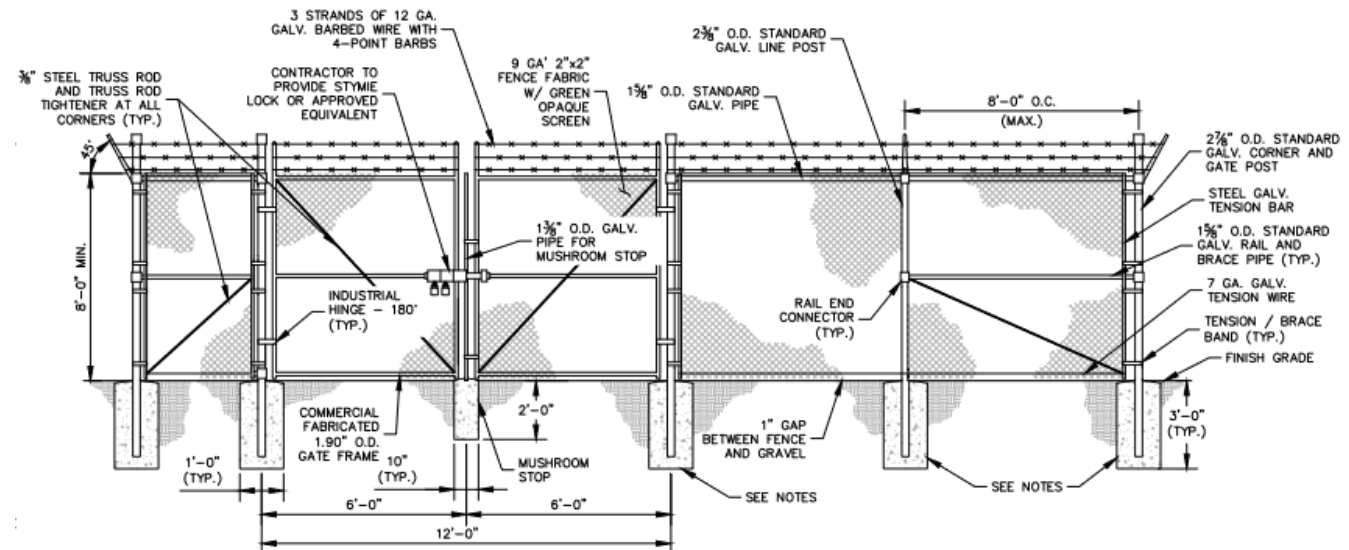


1
C5 SELF SUPPORT TOWER ELEVATION
NOT TO SCALE

NOTES:

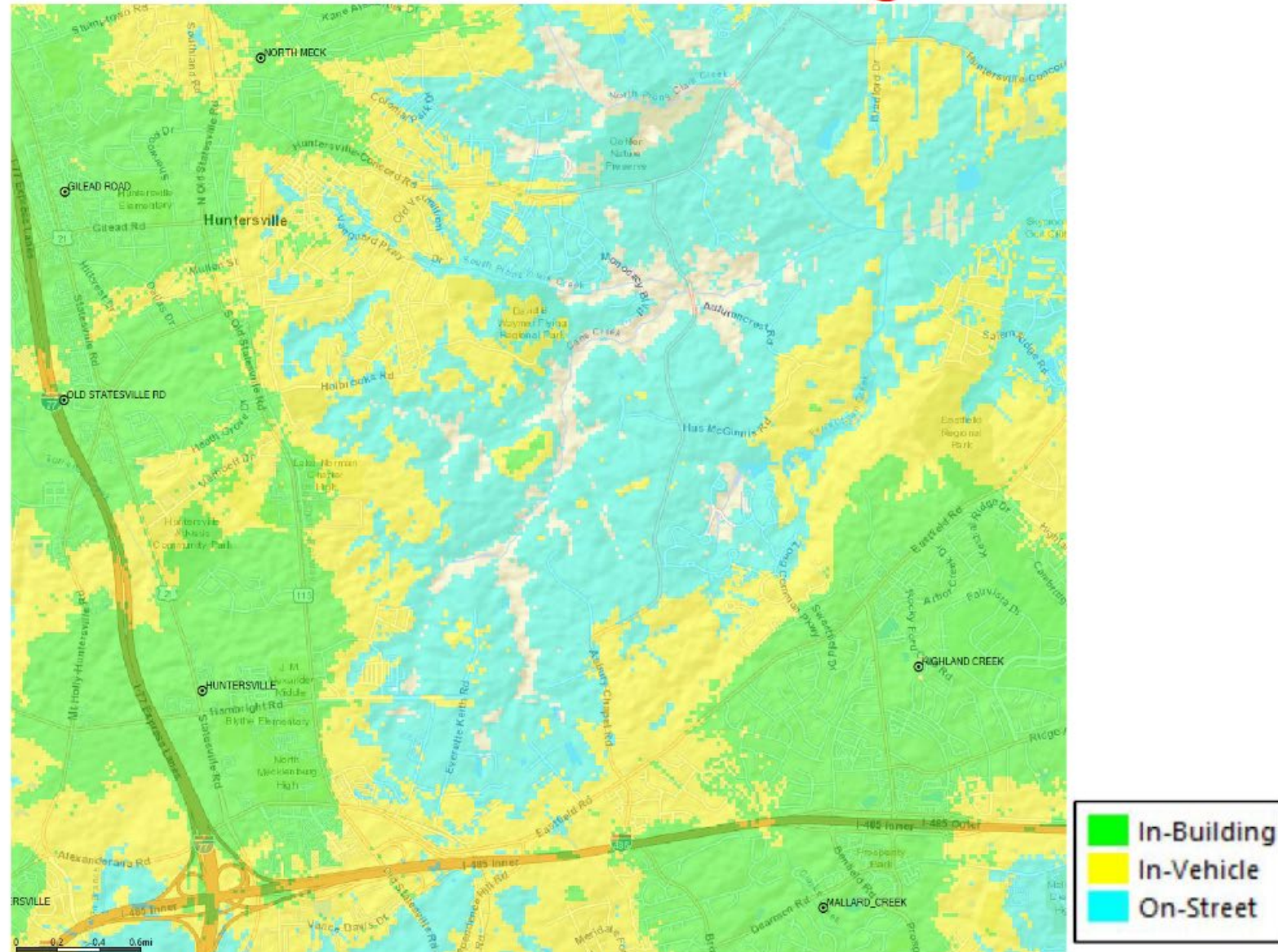
1. ALL PROPOSED ATTACHMENTS TO TOWER BASED ON TOWER DESIGN DRAWINGS BY OTHERS.
2. THE TOWER ELEVATION SHOWN IS FOR REFERENCE ONLY. TOWER DOES NOT REQUIRE LIGHTING.
3. COAX/FIBER CABLE LENGTHS ARE APPROXIMATE. CONTRACTOR TO VERIFY CORRECT LENGTH IN FIELD AT TIME OF CONSTRUCTION.
4. PROPOSED TOWER WILL BE GALVANIZED STEEL-GRAY IN COLOR.
5. AT&T GROUND EQUIPMENT NOT SHOWN FOR CLARITY.

Elevations



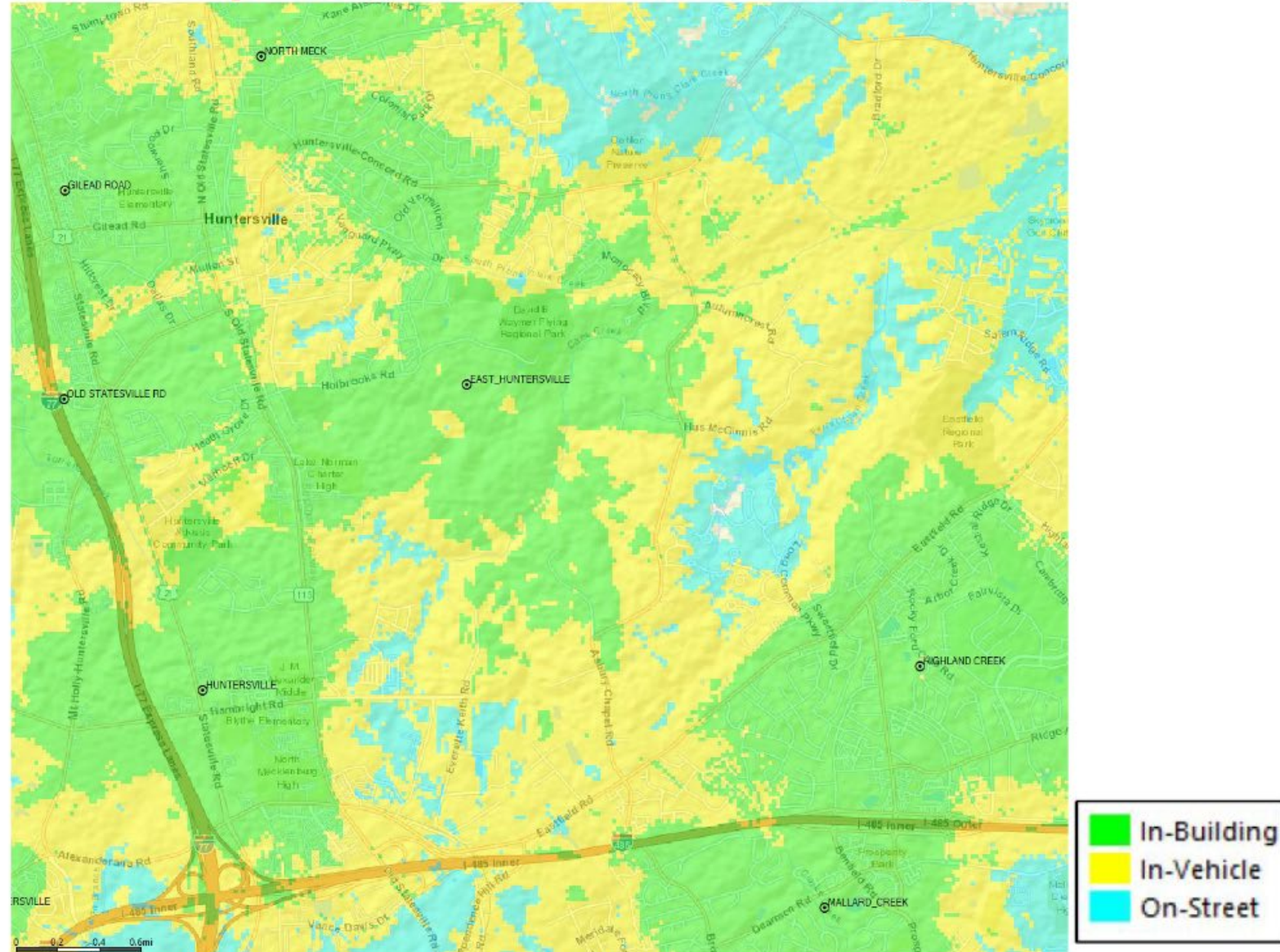
1
C3 CHAIN LINK FENCE AND GATE ELEVATION
NOT TO SCALE

Current VZW 4G LTE Coverage



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

Proposed VZW 4G LTE Coverage



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

October 19, 2023

SUBJECT: Notice of community meeting for information related to a Conditional Rezoning of a portion of the property located at 15105 Holbrooks Road, Huntersville, NC, shown on the map below and having Parcel ID Numbers of part of 01910116, 01910113 and 01910109. The Applicant for the subject property is Berkley Group III, LLC.

To Whom It May Concern:

Recipients of this letter meet the notification requirements of the Town of Huntersville as being adjacent landowners with at least a portion of their properties located within 250 ft. of the subject property, and neighborhood organizations registered with the Town of Huntersville within 2,000 ft. of any portion of the rezoning site. The purpose of the community meeting is to provide an opportunity for the Applicant to describe the proposed project and to answer any questions you may have. The Applicant is requesting approval from the Town for a Conditional Rezoning from the current zoning of NR to the proposed zoning of SP(CD) to install a commercial communication tower (cell tower) on the property.

MEETING DETAILS:

6:00 P.M. to 7:00 P.M.

Monday, October 30, 2023

Huntersville Arts and Cultural Center

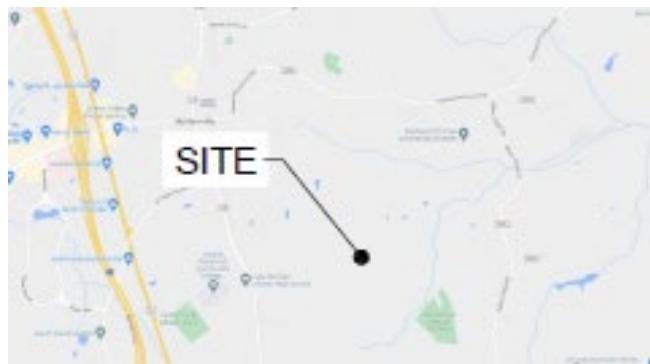
109 S. Old Statesville Road

Huntersville, NC 28078

You are welcome to attend the above-mentioned community meeting. There will be an additional opportunity to ask questions about the proposed development.

Sincerely,

The Berkley Group III, LLC



PARCEL ID	OWNER NAME	MAILING ADDRESS	CITY	STATE	ZIP CODE	PROPERTY ADDRESS
0190104	JOHNSTON, ARNOLD W	12300 OLD STATESVILLE RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	CHURCH ST UNINC
0190109	GREENWAY RECYCLING AT NORTH MECK LLC,	19109 W CA TAWBA AV STE 110 CORNELIUS NC 28081	CORNELIUS	NC	28081	15120 HOLBROOKS RD UNINC
0190102	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CA TAWBA AVE STE 110 CORNELIUS NC 28081	CORNELIUS	NC	28081	15300 HOLBROOKS RD HUNTERSVILLE
0190116	GREENWAY WASTE SOLUTIONS LLC,	19109 W CA TAWBA AVE SUITE 200 CORNELIUS NC 28083	CORNELIUS	NC	28083	HOLBROOKS RD HUNTERSVILLE
0190105	C&D MANAGEMENT COMPANY LLC,	19109 W CA TAWBA AVE SUITE 110 CORNELIUS NC 28081	CORNELIUS	NC	28081	HOLBROOKS RD UNINC
01927470	BALLEW, SCOTT BALLEW, ANN	12723 ES DRAPER DR HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	12723 ES DRAPER DR HUNTERSVILLE
01927614	RUBAINE, MERLE RUBAINE, KEITH RUBAINE, KEITH RUBAINE, MERLE	13412 QUICKSILVER LN HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13412 QUICKSILVER LN HUNTERSVILLE
01927468	MOSCA, JOSEPH CHARLES	12715 ES DRAPER DR HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	12715 ES DRAPER DR HUNTERSVILLE
01927621	GUINCHO, CARL DENNIS SR ANDERSON, LIM L	14779 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14779 HOLBROOKS RD HUNTERSVILLE
01927620	MURPHY, DANIEL JOSEPH MURPHY, JESICA CONWAY	14785 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14785 HOLBROOKS RD HUNTERSVILLE
01927623	ZOOK, STEVEN M ZOOK, LANA R	14767 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14767 HOLBROOKS RD HUNTERSVILLE
01927469	MONNIN, JENNIFER M SOMMERS, TODO ALLEN	12719 ES DRAPER DR HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	12719 ES DRAPER DR HUNTERSVILLE
01927617	SPAIDE, SHERRY	14803 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14803 HOLBROOKS RD HUNTERSVILLE
01927616	RODRIGUEZ, FRANK LOUIS JR RODRIGUEZ, KELLY D	12718 ES DRAPER DR HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	12718 ES DRAPER DR HUNTERSVILLE
01927615	ANKENY, GERALD HOWARD ANKENY, GERALD HOWARD ANKENY, ANNE- LIESS HILLARY ANKENY, ANNE-LIESS HILLARY	13416 QUICKSILVER LN HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13416 QUICKSILVER LN HUNTERSVILLE
01927629	STANFIELD-GRIFFIN, ERICA N GRIFFIN, MARK C	14941 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14941 HOLBROOKS RD HUNTERSVILLE
01927622	MIXAYCHAREUN, PARAMY MIXAYCHAREUN, JENNIFER MARIE	14773 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14773 HOLBROOKS RD HUNTERSVILLE
01927467	STIER, FRANK	12711 ES DRAPER DR HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	12711 ES DRAPER DR HUNTERSVILLE
01927201	BHOWMIK, KAUSHIK DUTTA PAUL, KABITA	11314 VANGUARD PKWY HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	11314 VANGUARD PY HUNTERSVILLE
01927618	KARUPPANNAN, RADHA PARKUNAN, VENKATESAN	14797 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14797 HOLBROOKS RD HUNTERSVILLE
01927619	LEE, AMANDA LAUREN DAVENPORT, WADE TREVOR	14791 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14791 HOLBROOKS RD HUNTERSVILLE
0190113	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CA TAWBA AVE STE 110 CORNELIUS NC 28081	CORNELIUS	NC	28081	15100 HOLBROOKS RD UNINC
01903312	HURT, HUNTER	14931 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14931 HOLBROOKS RD HUNTERSVILLE
0190101	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CA TAWBA AVE STE 110 CORNELIUS NC 28081	CORNELIUS	NC	28081	HOLBROOKS RD UNINC

01910119	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	HOLBROOKS RD UNINC
01910107	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	HOLBROOKS RD UNINC
01910114	GREENWAY WASTE SOLUTIONS LLC,	19109 W CATAWBA AVE SUITE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	HOLBROOKS RD UNINC
019127628	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PL HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	HOLBROOKS RD HUNTERSVILLE
019132785	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PLACE CHARLOTTE NC 28078	CHARLOTTE	NC	28078	HOLBROOKS RD HUNTERSVILLE
019127473	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PL HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	HOLBROOKS RD HUNTERSVILLE
019127627	SOUTHSIDE NEIGHBORHOOD LLC, SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PL HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14802 ALLEY GORY HUNTERSVILLE
019132735	SMITH FAMILY REVOCABLE LIVING, TRUST SMITH, SYLVIA M	13718 BERKLEY AVE HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13718 BERKLEY AV HUNTERSVILLE
019132736	HARRELL, JANELLE BEA HARRELL, CHAD	13712 BERKLEY AVE HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13712 BERKLEY AV HUNTERSVILLE
019132734	MARAGNI, MARK MOYLAN, KATHRYN	13722 BERKLEY AVE HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13722 BERKLEY AV HUNTERSVILLE
019132737	RAMOS, NICOLE K	13708 BERKELEY AVE HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13708 BERKLEY AV HUNTERSVILLE
019132776	JACKSON, RONALD K JACKSON, ANGELA	14969 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14969 HOLBROOKS RD HUNTERSVILLE
019132775	BOYD, JIMMIE LEE JR BOYD, CHARLISA DUNNING	14965 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14965 HOLBROOKS RD HUNTERSVILLE
019132738	RYAN, PHYLLIS S	13704 BERKLEY AVE HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	13704 BERKLEY AV HUNTERSVILLE
019132777	DORCH, ANDREA DOSCH, KYLE	14973 HOLBROOKS RD HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	14973 HOLBROOKS RD HUNTERSVILLE
01910115	GREENWAY WASTE SOLUTIONS LLC,	19109 W CATAWBA AVE SUITE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	15018 HOLBROOKS RD UNINC
01910111	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	15105 HOLBROOKS RD UNINC
01910110	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	15118 HOLBROOKS RD UNINC
01910118	GREENWAY WASTE SOLUTIONS AT NORTH MECK LLC,	19109 W CATAWBA AVE STE 110 CORNELIUS NC 28031	CORNELIUS	NC	28031	HOLBROOKS RD UNINC
019132781	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PL HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	BERKLEY AV HUNTERSVILLE
019132780	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PL HUNTERSVILLE NC 28078	HUNTERSVILLE	NC	28078	MESSANGER RW HUNTERSVILLE
019132784	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PLACE CHARLOTTE NC 28078	CHARLOTTE	NC	28078	UP YOUR AL HUNTERSVILLE
019132785	SOUTHSIDE NEIGHBORHOOD LLC,	13815 CINNABAR PLACE CHARLOTTE NC 28078	CHARLOTTE	NC	28078	HOLBROOKS RD HUNTERSVILLE
	VERMILLION HOA	13952 OLD VERMILLION DRIVE HUNTERSVILLE, NC 28078				
	ASBURY PARK HOMEOWNERS ASSOCIATION	P.O. BOX 491 HUNTERSVILLE, NC 28070				

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Domestic Mail Only

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☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postmark
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Postage
\$
Total Postage and Fees
\$

Sent To
Vermillion HOA
Street and Apt. No., or PO Box No.
13952 Old Vermillion Dr
City, State, ZIP+4®
Huntersville NC 28078

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Sent To
Ronald K Jackson + Angela Jackson
Street and Apt. No., or PO Box No.
14964 Holbrooks Rd
City, State, ZIP+4®
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Sent To
Andrea Dorch + Kyle Dorch
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14973 Holbrooks Rd.
City, State, ZIP+4®
Huntersville NC 28078

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Sent To
Jimmie Lee Boyd Jr + Charisa Danny Boyd
Street and Apt. No., or PO Box No.
14965 Holbrooks Rd.
City, State, ZIP+4®
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Mark Maragni + Kathryn Moylan
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 13722 Berkeley Ave
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Nicole K Ramos
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 13708 Berkeley Ave
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Sylvia M Smith / Smith Family Rev. Living Trust
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Sent To

Janelle Bea Harrell + Chad Harrell
 Street and Apt. No., or PO Box No.
 13712 Berkeley Ave
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Sent To	
Kadha Karuppannan + Venkatesan Parkman	
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14797 Holbrooks Rd.	
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Arunda Lauren Lee + Wade Trevor Davenport	
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Frank Stier	
Street and Apt. No., or PO Box No.	
12711 Es Draper Dr.	
City, State, ZIP+4®	
Wintersville NC 28078	

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Sent To	
Kawshik Dutta Bhomik + Kabita Paul	
Street and Apt. No., or PO Box No.	
11314 Vanguard Pkwy	
City, State, ZIP+4®	
Wintersville NC 28078	

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Erica N Stanfield - Griffin + Mark C Stanfield - Griffin	
Street and Apt. No., or PO Box No.	
14941 Holbrooks Rd.	
City, State, ZIP+4®	
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Paramey Mixay Charewn + Jennifer Marie "	
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☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To Frank Louis Rodriguez, Jr. + Kelly D. Rodriguez Street and Apt. No., or PO Box No. 12718 Es Draper Dr. City, State, ZIP+4 [®] Hicksville NC 28078	
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Sent To Gerald Howard Ankeny + Anne-Liese Hilary Ankeny Street and Apt. No., or PO Box No. 13916 Quiksilver Ln City, State, ZIP+4 [®] Hicksville NC 28078	
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Total Postage and Fees \$	
Sent To Jennifer M Monnin + Todd Allen Sommer Street and Apt. No., or PO Box No. 12719 Es Draper Dr. City, State, ZIP+4 [®] Hicksville NC 28078	
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☐ Adult Signature Restricted Delivery \$	
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Sent To Daniel Joseph Murphy + Jessica Conway Murphy Street and Apt. No., or PO Box No. 14785 Holbrooks Rd. City, State, ZIP+4 [®] Hicksville NC 28078	
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Sent To

Joseph Charles Mosca

Street and Apt. No., or PO Box No.

12715 ES Draper Dr.

City, State, ZIP+4®

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Sent To

Carl Dennis Guincho Jr. + Lim L Anderson

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14779 Holbrooks Rd.

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Scott Ballew + Ann Ballew

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12723 ES Draper Dr.

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Merle Robaine + Keith Robaine

Street and Apt. No., or PO Box No.

13412 Quicksilver Ln

City, State, ZIP+4®

Huntersville, NC 28078

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Greenway Waste Solutions LLC

Street and Apt. No., or PO Box No.

19109 W Catamba Ave. Ste. 200

City, State, ZIP+4®

Cornelius, NC 28031

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- ☐ Certified Mail Restricted Delivery \$
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- ☐ Adult Signature Restricted Delivery \$

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Street and Apt. No., or PO Box No.

19109 W Catamba Ave Ste. 110

City, State, ZIP+4®

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☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
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Sent To Greenway Waste Solutions at North Meck LLC Street and Apt. No., or PO Box No. 19109 W. Catamba Ave. Ste. 110 City, State, ZIP+4® Cornelius, NC 28031	

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☐ Certified Mail Restricted Delivery \$	
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☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To Greenway Recycling at North Meck LLC Street and Apt. No., or PO Box No. 19109 W. Catamba Ave. Ste. 110 City, State, ZIP+4® Cornelius, NC 28031	

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☐ Adult Signature Required \$	
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Postage \$	
Total Postage and Fees \$	
Sent To Arnold W. Johnston Street and Apt. No., or PO Box No. 12300 Old Stateville Rd. City, State, ZIP+4® Huntersville, NC 28078	

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DAVIDSON
99 JACKSON ST
DAVIDSON, NC 28036-9721
(800)275-8777

10/19/2023

09:57 AM

Product	Qty	Unit Price	Price
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First-Class Mail® Letter	1		\$0.66
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Cornelius, NC 28031
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023

Certified Mail®			\$4.35
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Tracking #:
9589 0710 5270 0017 8677 47

Total			\$5.01
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First-Class Mail® Letter	1		\$0.66
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Cornelius, NC 28031
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023

Certified Mail®			\$4.35
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Tracking #:
9589 0710 5270 0017 8677 30

Total			\$5.01
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First-Class Mail® Letter	1		\$0.66
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Cornelius, NC 28031
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023

Certified Mail®			\$4.35
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Tracking #:
9589 0710 5270 0017 8677 16

Total			\$5.01
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First-Class Mail® Letter	1		\$0.66
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Cornelius, NC 28031
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023

Certified Mail®			\$4.35
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Tracking #:
9589 0710 5270 0017 8677 23

Total			\$5.01
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First-Class Mail® Letter	1		\$0.66
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Huntersville, NC 28070
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023

Certified Mail®			\$4.35
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Tracking #:
9589 0710 5270 0017 8680 27

Total			\$5.01
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First-Class Mail® Letter	1		\$0.66
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Huntersville, NC 28078
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023

Certified Mail®			\$4.35
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Tracking #:
9589 0710 5270 0017 8680 10

Total			\$5.01
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First-Class Mail® Letter	1		\$0.66
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Huntersville, NC 28078
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023

Certified Mail®			\$4.35
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Tracking #:
9589 0710 5270 0017 8680 03

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Letter		
	Huntersville, NC 28078	
	Weight: 0 lb 0.30 oz	
	Estimated Delivery Date	
	Sat 10/21/2023	
Certified Mail®		\$4.35
Tracking #:		
	9589 0710 5270 0017 8679 83	
Total		\$5.01
First-Class Mail®	1	\$0.66
Letter		
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Letter		
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	Estimated Delivery Date	
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Certified Mail®		\$4.35
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	Sat 10/21/2023	
Certified Mail®		\$4.35

Certified Mail®		\$4.35
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Sat 10/21/2023		
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Tracking #:		
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Huntersville, NC 28078		
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Estimated Delivery Date		
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Huntersville, NC 28078		
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Estimated Delivery Date		
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Huntersville, NC 28078		
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Estimated Delivery Date		
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Huntersville, NC 28078		
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Estimated Delivery Date		
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Estimated Delivery Date		
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Certified Mail®		\$4.35
Tracking #:		
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First-Class Mail®	1	\$0.66
Letter		
Huntersville, NC 28078		
Weight: 0 lb 0.30 oz		

	Total		\$5.01
	First-Class Mail®	1	\$0.66
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	Estimated Delivery Date		
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	Sat 10/21/2023		
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	Tracking #:		
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	Estimated Delivery Date		
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	Tracking #:		
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Le	Letter		
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	Estimated Delivery Date		
	Sat 10/21/2023		
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Let	Letter		
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	Weight: 0 lb 0.30 oz		
	Estimated Delivery Date		
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	Tracking #:		
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Tota	Total		\$5.01
Firs	First-Class Mail®	1	\$0.66
Lett	Letter		
	Huntersville, NC 28078		
	Weight: 0 lb 0.30 oz		
	Estimated Delivery Date		
	Sat 10/21/2023		
	Certified Mail®		\$4.35

Huntersville, NC 28078
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023
Certified Mail® \$4.35
Tracking #: 9589 0710 5270 0017 8677 78
Total \$5.01
First-Class Mail® 1 \$0.66
Letter
Huntersville, NC 28078
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023
Certified Mail® \$4.35
Tracking #: 9589 0710 5270 0017 8677 54
Total \$5.01
First-Class Mail® 1 \$0.66
Letter
Huntersville, NC 28078
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Sat 10/21/2023
Certified Mail® \$4.35
Tracking #: 9589 0710 5270 0017 8677 61
Total \$5.01

Grand Total: \$165.33

Debit Card Remit \$165.33
Card Name: MasterCard
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Approval #: 18606E
Transaction #: 976
Receipt #: 040014
Debit Card Purchase: \$165.33
ATD: A0000000042203 Chip
AL: US Debit
PIN: Verified

Text your tracking number to 28777 (2USPS)
to get the latest status. Standard Message
and Data rates may apply. You may also
visit www.usps.com USPS Tracking or call
1-800-222-1811.

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informedelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device,



or call 1-800-410-7420.

JFN: 362000-0933
Receipt #: 840-52800644-3-5917818-2
Clerk: 15



PO Box 664
Huntersville NC 28070

PUBLIC HEARING

Date: January 2, 2024
Time: 6:00 pm
Location: **In Person:** Huntersville Town Hall; 101 Huntersville-Concord Rd
Live Stream: YouTube User ID: @townofhuntersvillenc28078
Applicant: Berkley Group III, LLC
Case #: R23-10 Commercial Communication Tower

Livestream



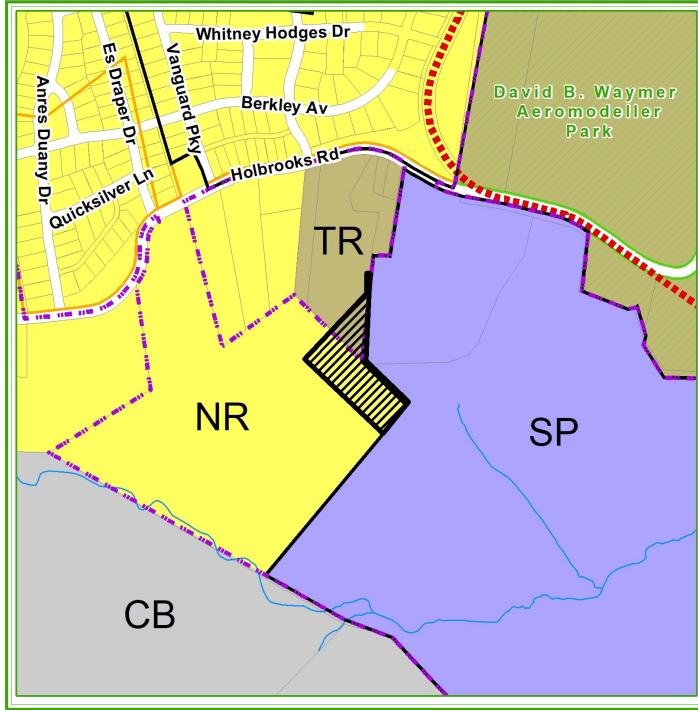
Public Meeting Dates

Meeting Type	Purpose	Date & Time
Community Meeting	Informational	October 30, 2023
Public Hearing	Public Meeting	January 2, 2024 @ 6:00pm
Planning Board *	Recommendation	January 23, 2024 @ 6:30pm
Town Board *	Approval/Denial	February 19, 2024 @ 6:00pm

* Tentative—check www.huntersville.org for latest dates

OFFICIAL TOWN OF HUNTERSVILLE PUBLIC HEARING NOTICE

PUBLIC HEARING NOTICE DATE: January 2, 2024 | **R23-10** Commercial Communication Tower NOTICE OF PUBLIC HEARING FOR REZONING REQUEST



Zoning Legend:

NR= Neighborhood Residential
TR = Transitional Residential

Site = Location requesting rezoning

CB=Corporate Business
SP = Special Purpose

An application has been submitted to rezone the 'Site' located south of Holbrooks Road (Parcel #01910116, 01910113, & 01910111)

CURRENT ZONING is (NR) Neighborhood Residential & (TR) Transitional Residential

PROPOSED ZONING is (SP CD) Special Purpose Conditional District

The purpose of the rezoning is to allow the development of a Commercial Communications Tower.

A public hearing will be held in person at Town Hall located at 101 Huntersville-Concord Drive, Huntersville, NC 28078. The public is invited to attend and comment during the public hearing for this request. The meeting will be livestreamed for those who would like to listen only on YouTube at UserID: @townofhuntersvillenc28078

Livestream



Project Page:



FOR ADDITIONAL INFORMATION

CONTACT Nathan Farber, Planner II

Phone: 704-766-2237

Email: nfarber@huntersville.org

Online: www.huntersville.org - search: **R23-10**

OFFICIAL TOWN OF HUNTERSVILLE PUBLIC HEARING NOTICE

December 12, 2023

The Honorable Mayor and
Board of Commissioners of the Town of Huntersville
Mr. Anthony Roberts, Town Manager
Mr. Brian Richards, Planning Director
Town of Huntersville
P.O. Box 664
101 Huntersville-Concord Road
Huntersville, NC 28070

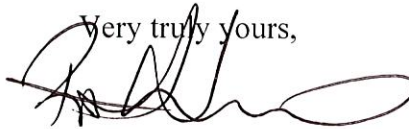
RE: #R23-010; Commercial Communication Tower

Dear Mayor, Commissioners. Anthony and Brian:

The purpose of this letter is to respectfully request a continuance of the public hearing for the above referenced matter, currently scheduled for January 2, 2024. Applicant requests that the public hearing be placed on the January 16, 2024 Town Board agenda, with Planning Board to follow on January 23, 2024. The purpose of this request is to allow Applicant the opportunity to work with staff to address additional comments.

We appreciate your consideration of this request.

Very truly yours,



Robert Irvin
for the Firm

cc: Brad Priest, Assistant Planning Director
Nathan Farber, Planner II
Bonnie Newell, Berkley Group III, LLC

**Town of Huntersville
Town Board
January 2, 2024**

To: Town Board

From: Jesse James, Senior Planner

Date: January 2, 2024

Subject: Petition #R23-11, Morningstar Storage

EXPLAIN REQUEST:

Conduct a Public Hearing

ACTION RECOMMENDED:

Conduct a Public hearing

FINANCIAL IMPLICATIONS:

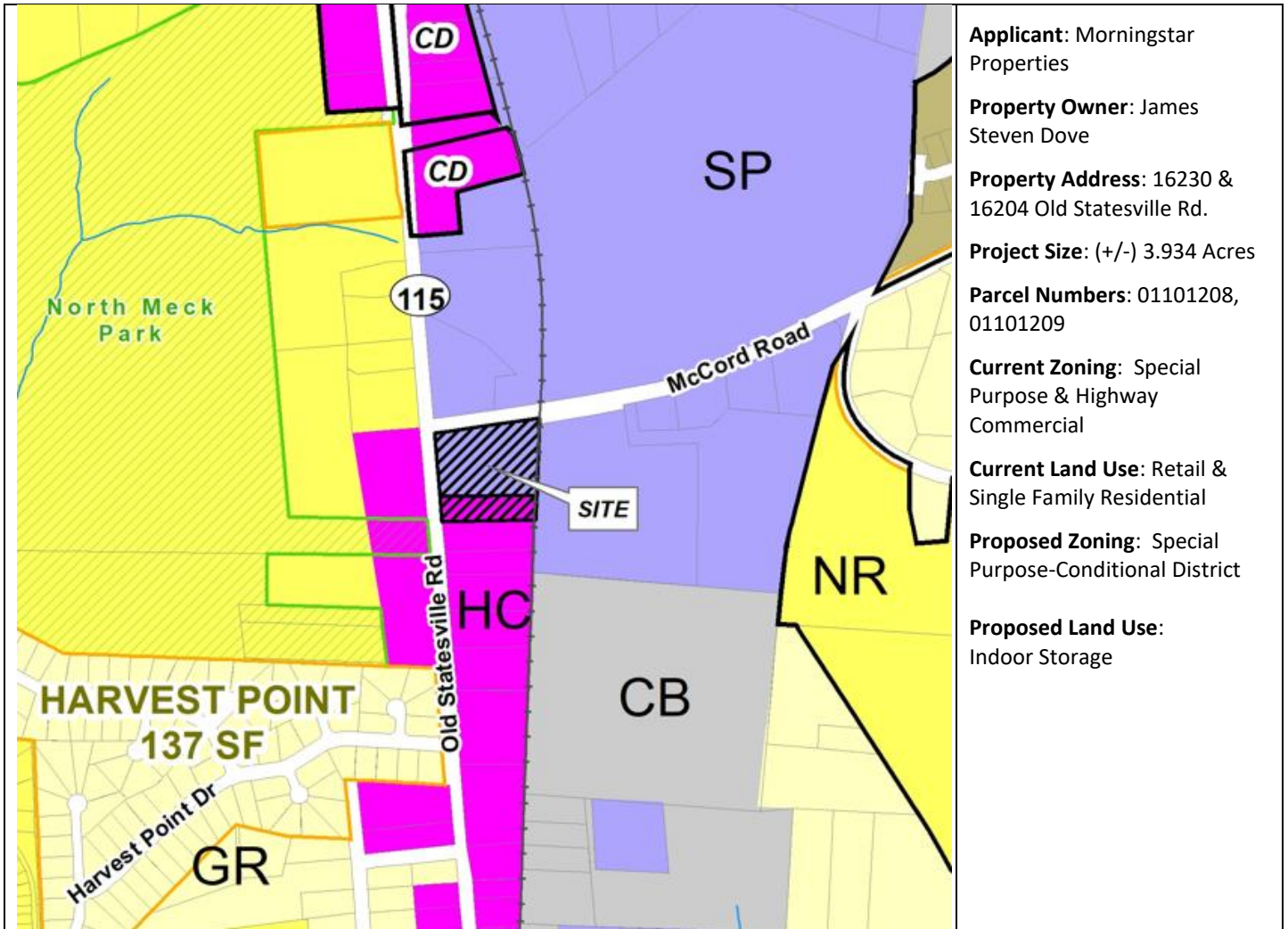
N/A

ATTACHMENTS:

1. R23-11 PH 1 2 24 Staff Report Final
2. Updated Morningstar Huntersville General App Revised_11.27
3. Morningstar Huntersville Rezoning Civil Plans (2)
4. 2023.10.17 - Morningstar Huntersville - Elevations + Renderings
5. Huntersville Neighborhood Meeting Report - Morningstar Properties(16670610.1)_12.12.23
6. Transportation_Stormwater analysis

Petition R23-11 Morningstar Storage

PART 1: PROJECT SUMMARY

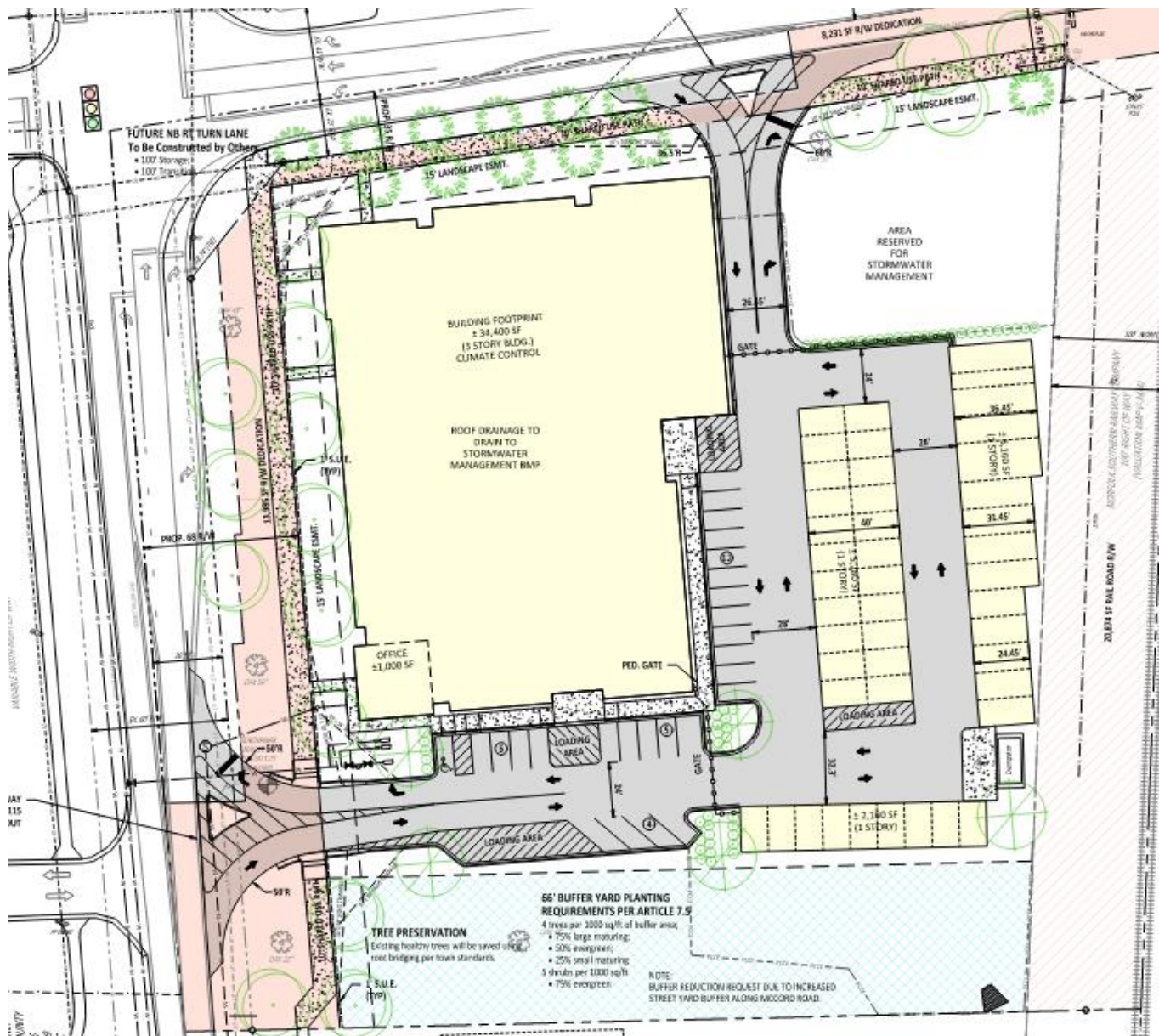


1. Purpose: Rezone 3.934-acres at above stated addresses at the corner of McCord and Statesville Road from Special Purpose and Highway Commercial Zoning to Special Purpose-Conditional District to accommodate for a proposed 3-story indoor storage facility.
2. Indoor Storage is a land use permitted by right in SP zoning, however, according to Article 7.5 of the Zoning ordinance, any property developed and zoned SP requires an 80-foot buffer yard when adjacent to any other district besides CI, CB, and SP. Morningstar properties has determined that for their product/development to be feasible, the acquisition of 16204 Old Statesville Road (HC) is needed to account for the buffer requirement adjacent to a Highway Commercial zoned property to the south, thus requiring a rezoning of both parcels to a conditional district. By doing so, the concept site plan is included showing the proposal within a new SP-CD zoning district.
3. Adjoining Zoning and Land Uses.

North: McCord Road- Special Purpose- Outdoor Storage
South: Highway Commercial- Commercial-Service
East: Norfolk Southern Rail Right-of-Way- Special Purpose- Warehousing
West: Old Statesville Road- Highway Commercial- Religious Institution

4. A neighborhood meeting was held on Thursday, November 16, 2023, and the questions asked by residents and the responses from the applicants are summarized in the Neighborhood Meeting Report (see Attachment D).
5. Notice for this rezoning petition was sent via letter to adjoining property owners; a legal ad placed in the Charlotte Observer; and posting of rezoning signs on the property along McCord and Old Statesville Rd.

PART 2: REZONING/SITE PLAN



The proposed Conditional District Rezoning Plan is generally compliant with the Zoning Regulations. Significant elements include:

- Proposed 3 story, 36 feet in height, 103,200 square foot indoor storage building in the urban workplace building type form. Article 4 allows up to 36 feet in height for this building type (Highway Commercial).
- Article 7.5 Buffer Yards, requires an 80' buffer abutting street right-of-way- and property lines. There is allowance for full relief of this buffer abutting street rights-of-way where the building proposed addresses the public street with architecture and design consistent with the building type requirements of article 4. The applicant has proposed a building where the overall massing communicates an emphasis on the human scale and pedestrian environment by modulating building walls and rooflines to break up the massing of the building while also proposing windows and doors at the pedestrian facades of the public facing walls. This can be seen below.

(Facing Hwy 115)



(Corner of McCord and Hwy 115)



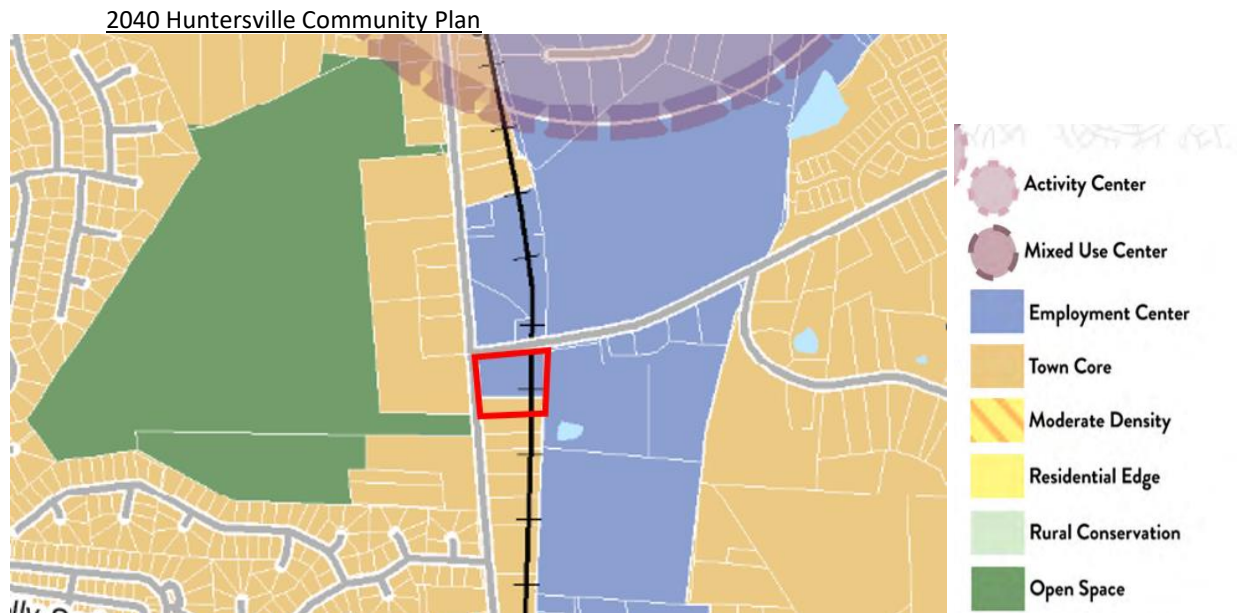
- **Modification Request #1-** The required 80-foot buffer to the adjacent southern property line has been requested for a modification to a reduced buffer width to 66-feet. The applicant has indicated that the reason for this proposed reduction is due to site constraints on the developable area to accommodate feasible building areas that allow for a sustainable commercial use. The proposal is to offset this reduction by matching the required plantings for an 80-foot buffer to meet the intent of the buffer for a complete opaque screening to the adjacent property to the south.
Staff Comment- Staff can consider recommending this modification if the applicants can prove that by reducing the buffer, the matching plantings can be sustained in the 66' wide buffer area. Staff recommends providing a 1000 square foot buffer section on the landscape that shows that the mature growth of the plantings can be achieved with the reduced buffer proposal.
- The plan does include the required 10-foot side path along Old Statesville Rd and McCord Rd frontages with a staggered double row of street trees (seen in the site plan above).
- Required parking= .25 spaces per 1,000(103,200 SF proposed) = 26 spaces. 26 provided.
- Minimum Tree Preservation (specimen tree save) for a Special Purpose District is 30%. The site includes 10 existing specimen trees in which 4 will be saved at 40%, exceeding the requirement.
- There are no identified Heritage Trees on site.
- Planning, Transportation, and Storm Water Engineering staff have minor site plan comments outstanding that need to be addressed prior to final plan approval.

PART 3: TRANSPORTATION ISSUES

See attachment E

PART 4: REZONING CRITERIA

Article 11.4.7(d) of the Zoning Ordinance states that “in considering any petition to reclassify property, the Planning Board in its recommendation and the Town Board in its decision shall take into consideration any identified relevant adopted land-use plans for the area including, but not limited to, comprehensive plans, strategic plans, district plans, area plans, neighborhood plans, corridor plans, and other land-use policy documents”.



Staff finds the proposed use/project is consistent with the following policies of the 2040 Huntersville Community Plan:

- **LU 5.1: Allow more intense development only where transportation infrastructure and utilities already exist.**
Staff Comment: This is an infill location in the general Town Core area that can support a more intense growth pattern.
- **T 5.1: Design street improvements with considerations for the surrounding context and various users.**
Staff Comment: The Town requires new and redeveloping projects to provide a 10-foot side path along all major and minor thoroughfares. This project includes this requirement (see site plan above), adding to the future multi-modal network in Town. This network will assist in facilitating multimodal transportation initiatives.

Staff finds the proposed use not consistent with the following policies of the 2040 Huntersville Community Plan:

- **LU-1: Encourage a development pattern that follows the Future Land Use Map.**
Staff Comment: As seen in the land use map above from the 2040 Huntersville Community Plan, the project is split between the Employment Center and Town Core areas. An indoor storage facility does not typically have a large employment base. Employment centers contain a mix of uses including office, industrial, and institutional. This development would not match this encouraged development pattern.
- **LU 6.3: Small scale, neighborhood-serving commercial and office uses may be allowed in Town Core and Moderate Density areas specified on the Future Land Use map at key locations if designed in a context sensitive manner.**
Staff Comment: Mentioned previously, this rezoning is split between Town Core and Employment Center future land use character areas. This development at 3 stories and 103,200 square feet should not be considered a small scale or neighborhood-serving commercial use. (add something on the small portion that is HC)

Article 11 Section 11.4.7(e) of the Zoning Ordinance states that: “in considering any petition to reclassify property the Planning Board in its recommendation and the Town Board in its decision should consider:

1. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.

STAFF COMMENT:

The proposed use for Morningstar Storage is consistent with the overall character of the surrounding area. The surrounding land uses are either commercial services/storage/ or warehousing consistent with special purpose zoning permitted land uses. However, zoning along Highway 115 south of the subject parcels are predominately Highway Commercial, consistent with the previous land use of the subject parcel as service or retail (automotive repair).

2. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.

STAFF COMMENT:

There is no indication this project will have a negative impact on public facilities and or services.

3. Whether the proposed reclassification will adversely affect a known archeological, environmental, historical, or cultural resource."

STAFF COMMENT:

Planning staff has no indication that the request will adversely affect known archeological, environmental, historical, or cultural resources.

PART 5: STAFF RECOMMENDATION

In considering the proposed rezoning petition R23-11, Morningstar Storage, staff finds the proposal as generally compliant with the Town of Huntersville site design and architectural standards within the zoning ordinance and tied into land use polices LU 5.1 and T 5.1, but not consistent with the envisioned uses set forth in the 2040 Huntersville Community Plan sections LU-1 and 6.3. The current zoning designation of parcel 01101208 is Special Purpose, which comprises roughly 3 of the 4 acres in the proposal and does permit, by right, the proposed use. Thus, rezoning the approximate 4-acre site to Special Purpose-Conditional District for reason of gaining the needed land to allow the site to come into conformity with the zoning ordinance buffer requirements is appropriate with the following conditions.

Conditions for Approval:

- 1) Modification request for a reduced property line buffer from 80-feet to 66-feet:
Staff can recommend this request if the applicant can prove that by reducing the buffer, the matching plantings can be sustained in the 66' wide buffer area. Staff recommends providing a 1000 square foot buffer section on the landscape that shows that the mature growth of the plantings can be achieved with the reduced buffer proposal.
- 2) Minor staff site review comments are addressed.

PART 6: PUBLIC HEARING COMMENTS

A Public Hearing is scheduled for January 2, 2024.

PART 7: PLANNING BOARD RECOMMENDATION

Planning Board Meeting is scheduled for January 23, 2024.

PART 8: TOWN BOARD RECOMMENDATION

Town Board Meeting is scheduled for February 19, 2024.

PART 9: ATTACHMENTS

- A – Rezoning Application
- B – Proposed CD Rezoning Plan
- C- Proposed Building Elevations
- D – Neighborhood Meeting Report
- E- Transportation Analysis

PART 10: CONSISTENCY STATEMENT – R23-11 Morningstar Storage

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed rezoning petition R23-11, Morningstar Storage, staff finds the proposal as generally compliant with the Town of Huntersville <u>site design and architectural standards</u> within the zoning ordinance and tied into land use polices LU 5.1 and T 5.1, but not consistent with the envisioned <u>uses</u> set forth in the 2040 Huntersville Community Plan sections LU-1 and 6.3. The current zoning designation of parcel 01101208 is Special Purpose, which comprises roughly 3 of the 4 acres in the proposal and does permit, by right, the proposed use. Thus, rezoning the approximate 4-acre site to Special Purpose-Conditional District for reason of gaining the needed land to allow the site to come into conformity with the zoning ordinance buffer requirements is appropriate with the following conditions. Conditions for Approval: 1) Modification request for a reduced property line buffer from 80-feet to 66-feet: Staff can recommend this request if the applicant can prove that by reducing the buffer, the matching plantings can be sustained in the 66' wide buffer area. Staff recommends providing a 1000 square foot buffer section on the landscape that shows that	APPROVAL:	APPROVAL:

the mature growth of the plantings can be achieved with the reduced buffer proposal. 2) Minor staff site review comments are addressed. <u>It is reasonable and in the public interest to approve the Rezoning Plan because the rezoning is consistent with land uses in the general vicinity and meets the site and architectural standards for Huntersville.</u>		
	DENIAL:	DENIAL:



General Application

INCOMPLETE SUBMISSIONS WILL NOT BE ACCEPTED. PLEASE CHECK ALL ITEMS CAREFULLY.

1. Application Type

Please indicate the type of application you are submitting. In addition to the application, the submission process for each application type can be found at <https://www.huntersville.org/528/Permits-Process>

- ☐ Change of Use
- ☐ Commercial Site Plan
- ☒ Conditional Rezoning
- ☐ General Rezoning
- ☐ Master Signage Program
- ☐ Special Use Permit
- ☐ Revision to
Original Project # _____
- ☐ Other _____

- SUBDIVISION CATEGORIES: Per the Huntersville Subdivision Ordinance
- ☐ Sketch Plan
 - ☐ Preliminary Plan
 - ☐ Final Plat (Includes Minor Subdivision)
 - ☐ Exempt Subdivision
 - ☐ Final Plat Revision
 - ☐ Farmhouse Cluster

2. Project Data

Date of Application: 9/1/2023

Name of Project: Morningstar Storage Phase # (if subdivision): N/A

Project Address: 16220 & 16204 Old Statesville Road Huntersville, NC 28078

Parcel Identification Number(s) (PIN): 01101208 & 01101209

Current Zoning District: 01101208 is SP, 01101209 is HC Proposed District (for rezoning only): Both parcels to SP-CD

Property Size (acres): 4.365 acres total, 3.906 acres net of R/W Street Frontage (feet): 397.26' total
(296.41' for parcel 01101208, 100.85' for parcel 01101209)

Current Land Use: Parcel 01101208 is a tire shop, parcel 01101209 is a single family home

Proposed Land Use(s): Mini-warehouse storage

Is the project within Huntersville's corporate limits?

Yes X No _____ If no, does the applicant intend to voluntarily annex? _____

3. Description of Request

Explain the nature of this request. If a separate sheet is necessary, please attach to this application.
See attached description.

4. Site Plan Submittals

Consult the particular type of *Review Process* for the application type selected above. These can be found at <https://www.huntersville.org/528/Permits-Process>.

5. Outside Agency Information

Other agencies may have applications and fees associated with the land development process. The *Review Process* list includes plan documents needed for most town and county reviewing agencies. For major subdivisions, commercial site plans, and rezoning petitions please enclose a copy of the Charlotte-Mecklenburg Utility *Willingness to Serve* letter for the subject property.

6. ApplicantPrinted Name Morningstar PropertiesPhone 704-635-5415
☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the applicant my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature Marshall MaconPrinted Name: Marshall MaconTitle Senior Vice President, DevelopmentEmail mmacon@mstarproperties.comAddress of Applicant 725 Park Center Drive, Matthews, NC 28105**7. Property Owner (if different than applicant)***Printed Name: James Steven DovePhone: Co owner
☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☒ Other: 704-488-5085

*By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Board of Commissioners except through sworn testimony at the public hearing. (Applicable for Special Use Permits and Subdivisions)

Signature James S. DovePrinted Name James Steven DoveTitle Co ownerEmail doveman56@gmail.comAddress of Property Owner 16220 Old Statesville Rd

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this application MUST be accompanied by a notarized Limited Power of Attorney signed by the property owner (s), specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.

8. Development/Design Firm Contact Information

Morningstar Properties
Development Firm

Marshall Macon
Name of Contact

704-635-5415 mmacon@mstarproperties.com
Phone Email

American Engineering
Design Firm

Barry Fay
Name of Contact

704-375-2438 bfay@american-ea.com
Phone Email

Contact Information

Town of Huntersville
Planning Department
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-992-5528
Physical Address: 105 Gilead Road, Third Floor
Website: <https://www.huntersville.org/228/Planning-Department>

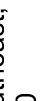
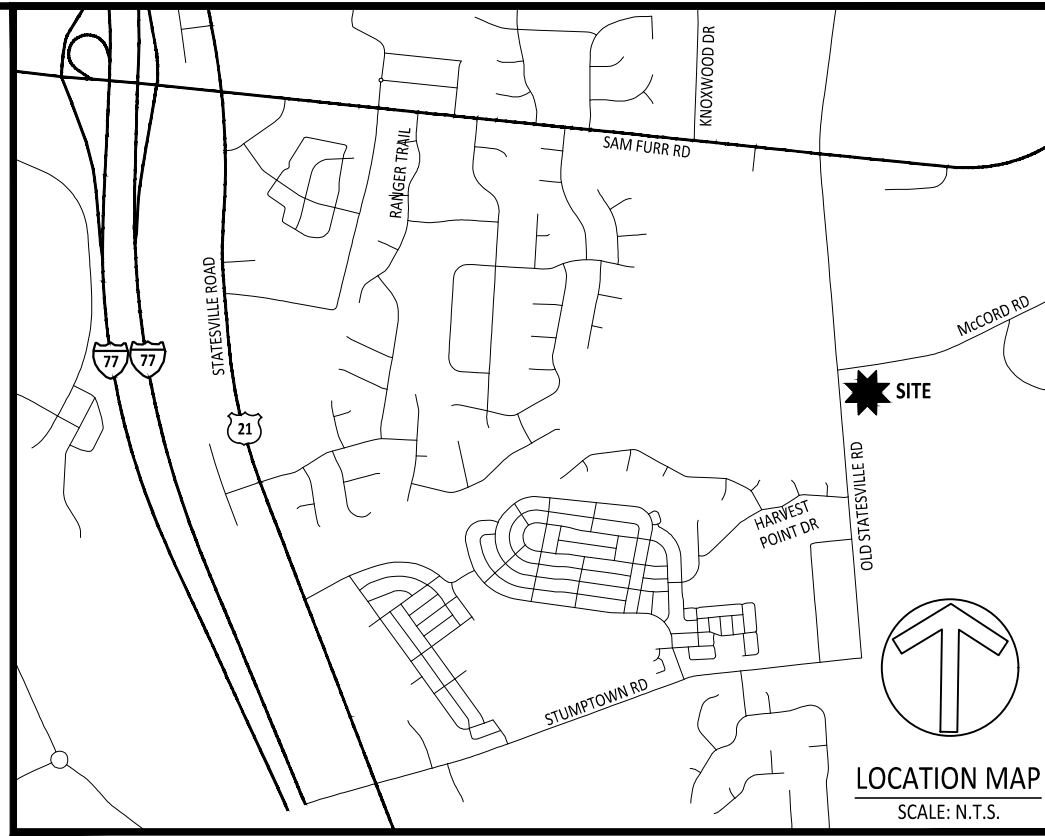
HUNTERSVILLE

REZONING: R23-11

16220 Old Statesville Road

PIN# 01101208 / 01101209

Zoning: SP, HC



AMERICAN
Engineering

American Engineering Associates - Southeast, P.A.
8008 Corporate Center Drive, Suite 110
Charlotte, NC 28226
704-375-2438



INDEX OF DRAWINGS

DRAWING TITLE	DRAWING NO.
COVER SHEET	C1.0
EXISTING CONDITIONS & DEMOLITION PLAN	C2.0
SITE PLAN	C3.0
TYPICAL CROSS SECTIONS & TRUCK TURNING PLAN	C3.1
GRADING PLAN	C4.0
STORMWATER & WATER QUALITY PLAN	C5.0
UTILITY PLAN	C6.0
LANDSCAPE PLAN	C7.0

GENERAL SITE NOTES

1. THE CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES. THE LOCATION OF ALL EXISTING UTILITIES ARE NOT NECESSARILY SHOWN ON THE PLANS AND WHERE SHOWN ARE ONLY APPROXIMATE. THE CONTRACTOR SHALL ON ITS INITIATIVE AND AT NO EXTRA COSTS HAVE LOCATED ALL UNDERGROUND LINES AND STRUCTURES AS NECESSARY. NO CLAIMS FOR DAMAGES OR EXTRA COMPENSATION SHALL BE MADE BY THE CONTRACTOR FROM THE PRESENCE OF SUCH PIPE, OTHER OBSTRUCTIONS OR FROM ANY DELAY DUE TO REMOVAL OR REARRANGEMENT OF THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND STRUCTURES. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL NON-SUBSCRIBING UTILITIES. CALL AT LEAST 48 HOURS PRIOR TO ANY DIGGING.
2. THE LOCATIONS OF ALL UTILITIES SHOWN ON THESE PLANS ARE BASED ON THE AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF UTILITIES WITH THE UTILITY OWNERS PRIOR TO ANY CONSTRUCTION.
3. PRIOR TO STARTING CONSTRUCTION, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION OF ANY ITEM SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED ALL PLANS AND ANY OTHER DOCUMENTATION FROM ALL OF THE PERMITTING AND ANY OTHER REGULATORY AUTHORITIES. FAILURE OF THE CONTRACTOR TO FOLLOW THIS PROCEDURE SHALL CAUSE THE CONTRACTOR TO ASSUME FULL RESPONSIBILITY FOR ANY SUBSEQUENT MODIFICATION OF THE WORK MANDATED BY ANY REGULATORY AUTHORITY. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH PERMITS ISSUED AND APPLICABLE STATE, COUNTY, AND LOCAL ORDINANCES.
4. THE GENERAL CONTRACTOR SHALL CONTACT ALL OWNERS OF EASEMENTS, RIGHT-OF-WAYS AND UTILITIES, PUBLIC OR PRIVATE, BEFORE WORKING IN THESE AREAS.
5. CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SUCH THAT WORKMEN AND THE PUBLIC WILL BE PROTECTED FROM INJURY, AND ADJOINING PROPERTY PROTECTED FROM DAMAGE.
6. CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO ANY EXISTING ITEM AND/OR MATERIAL INSIDE OR OUTSIDE CONTRACT DUE TO CONSTRUCTION OPERATIONS.
7. ALL SITE DIMENSIONS ARE TO THE FACE OF THE CURB, UNLESS OTHERWISE NOTED.
8. THE GENERAL CONTRACTOR SHALL KEEP THE AREA OUTSIDE THE "CONSTRUCTION LIMITS" BROOM CLEAN AT ALL TIMES AND REMOVE ALL TRASH AND DEBRIS FROM THE SITE UPON COMPLETION OF WORK AND AT LEAST ONE (1) WEEK BEFORE CLEANUP.
9. BEFORE COMMENCEMENT OF WORK, THE CONTRACTOR SHALL REVIEW ALL PLANS AND SPECIFICATIONS AND THE JOB SITE. THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE ENGINEER WHO PREPARED THE PLANS OF ANY DISCREPANCIES THAT MAY REQUIRE MODIFICATIONS TO THESE PLANS OR OF ANY FIELD CONFLICTS.
10. ALL PERMITS RELATIVE TO THE PROJECT MUST BE OBTAINED PRIOR TO CONSTRUCTION. ALL CONSTRUCTION MUST BE IN ACCORDANCE WITH PERMITS ISSUED AND APPLICABLE STATE, COUNTY AND LOCAL CODES.
11. ALL WORK IN RIGHT OF WAY SHALL BE PERFORMED IN ACCORDANCE WITH THE CURRENT EDITION OF THE STATE DEPARTMENT OF TRANSPORTATION AND HIGHWAY MATERIALS SPECIFICATIONS.
12. CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY, AND HOLD THE OWNER AND DESIGN PROFESSIONAL, HARMLESS OF ANY AND ALL LIABILITY, REAL OR LEGAL, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, ACCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR DESIGN PROFESSIONAL.
13. SUBJECT PROPERTY IS NOT LOCATED WITHIN THE SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS DEFINED BY NFIP F.I.R.M. MAP NUMBER 17010465100K, with date of IDENTIFICATION OF NOVEMBER 11, 2018.
14. ALL SITE CONCRETE IS TO BE TREATED WITH WATER REPELLANT CONCRETE SEALER TO PROTECT THE SURFACES FROM SPOILING AND DAMAGE FROM CHEMICAL ATTACK OR CHLORIDE SALTS. SEALER SHOULD BE SILANE /SILOXANE WATER REPELLANT. RECOMMENDATIONS INCLUDE PROSOCCO-SALTGUARD OR V-SEAL 102 WATERGUARD.
15. FINAL RECORDED PLAN WILL BE REQUIRED FOR ALL EASEMENTS PRIOR TO CERTIFICATE OF OCCUPANCY ISSUANCE.
16. ALL MECHANICAL EQUIPMENT MUST BE FULLY SCREENED FROM AND LEAST VIEW BY USE OF PARAPET WALLS. SEE ARCHITECTURAL PLANS FOR DETAIL ROOF LAYOUT AND SECTION

LANDSCAPING NOTES

1. THE CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES. THE LOCATION OF ALL EXISTING UTILITIES ARE NOT NECESSARILY SHOWN ON THE PLANS AND WHERE SHOWN ARE ONLY APPROXIMATE. THE CONTRACTOR SHALL ON HIS INITIATIVE AND AT NO EXTRA COSTS HIRE A UTILITY LOCATOR TO LOCATE ALL UNDERGROUND UTILITIES. NO CLAIMS FOR OBSTRUCTIONS OR FROM ANY DELAY DUE TO REMOVAL OR REARRANGEMENT OF THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND STRUCTURES. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL NON-SUBSCRIBING UTILITIES. THE CONTRACTOR(S) SHALL CONTACT NORTH CAROLINA ONE CALL AT 1-800-832-4949 FOR ASSISTANCE IN LOCATING EXISTING UTILITIES. CALL AT LEAST 48 HOURS FOR ANY "DIGGING".
2. THE TREE SITE SHALL BE SOODED UNDERLY AS NECESSARY. NO CLAIMS FOR OBSTRUCTIONS OR FROM ANY DELAY DUE TO REMOVAL OR REARRANGEMENT OF THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND STRUCTURES. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL NON-SUBSCRIBING UTILITIES. THE CONTRACTOR(S) SHALL CONTACT NORTH CAROLINA ONE CALL AT 1-800-832-4949 FOR ASSISTANCE IN LOCATING EXISTING UTILITIES. CALL AT LEAST 48 HOURS FOR ANY "DIGGING".
3. THE GENERAL CONTRACTOR SHALL LEAVE THIS SITE AT 6" FROM FINISHED GRADE. THE LANDSCAPE CONTRACTOR SHALL REVISE GRADERS AT A MINIMUM TO ENSURE SMOOTH TRANSITIONS BETWEEN PLANTING BEDS AND LAWN AREAS.
4. PLANT GUARANTEE: ALL PLANTS SHALL BE GUARANTEED TO LIVE FOR TWELVE MONTHS. THE GUARANTEE SHALL COMMENCE UPON FINAL ACCEPTANCE OF THE PROJECT. IF ANY PLANTS ARE DEAD OR IN AN UNHEALTHY CONDITION BEFORE FINAL ACCEPTANCE, THE LANDSCAPE CONTRACTOR SHALL REPLACE THEM WITH OTHER PLANT MATERIALS OF LIKE EXPENSE. THIS REPLACEMENT SHALL NOT BE CONSIDERED A GUARANTEED REPLACEMENT.
5. ALL PLANTING SHALL BE PLACED WITHIN A MULCHED PLANTING BED. ALL STRAPPING AND THE TOP 2/3 OF WIRE BASKETS MUST BE CUT AWAY AND REMOVED FROM ROOT BALLS PRIOR TO BACKFILLING PLANTING PIT. REMOVE TOP 1/3 OF BURLAP FROM ROOT BALL.
6. ALL LANDSCAPE WORK SHALL BE IN ACCORDANCE WITH CURRENT TOWN STANDARD DETAILS AND SPECIFICATIONS.
7. ALL AREAS NOT MULCHED SHALL BE SEEDDED OR SOODED IN ACCORDANCE WITH THE AREA SPECIFIED ON PLANS WITH GRASS SPECIES RECOMMENDED FOR REGION AS PRESCRIBED IN THE SEEDING SCHEDULE.
8. SITE LIGHTING SHALL NOT BE PLACED IN CONFLICT WITH PLANTED TREES.
9. TREE PROTECTION FENCING TO BE PROVIDED AROUND TREE PRESERVATION AREAS IN ACCORDANCE WITH TOWN STANDARDS
10. COORDINATE ALL WORK WITH SITE LAYOUT AND SITE GRADING, DRAINAGE AND UTILITIES PLAN
11. MULCH ALL AREAS, THAT ARE NOT SEEDDED OR SOODED, WITH SHREDDED HARDWOOD MULCH OR APPROVED EQUIV AS SPECIFIED TO ADAPT OF 3"-4"
12. THE SELECTION AND INSTALLATION OF PLANTS AND PLANTING METHODS SHALL CONFORM WITH THE STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN OR THE CITY OF RICHMOND DETAIL SPECIFICATIONS.
13. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES. DRAWINGS SHALL RULE OVER PLANT LISTS.
14. SUBSTITUTIONS SHALL BE SUBMITTED TO ENGINEER FOR APPROVAL. PRIOR TO INSTALLATION, SUBSTITUTIONS MAY REQUIRE ADDITIONAL APPROVAL BY THE GOVERNING JURISDICTION.
15. ALL LANDSCAPING SOIL AND FILL SHALL BE FREE FROM WEED, REFUSE, AND DEBRIS AT ALL TIMES
16. TREES AND LARGE SHRUBS SHALL BE ADEQUATELY SUPPORTED, AS NECESSARY, USING ARBORITE FOR GUYS ON TREES, SUCH SUPPORTS SHALL BE DESIGNED SO AS TO PROTECT TREES AND SHRUBS FROM INJURY. TREES AND SHRUBS SHALL BE FASTENED TO THE SUPPORT WITH AN ACCEPTABLE CABLE OR STRAP. NO USE OF PLASTIC OR WIRE.
17. ALL LANDSCAPE AREAS SHALL BE ROUGH GRADED TO 6" BELOW TOP OF ALL WALKS AND CURBS. FINISH GRADING, LANDSCAPING AND SPRINKLER SYSTEMS ARE BY THE OWNER/OPERATOR.
18. SHRUBS WILL BE PRUNED IN A WAY THAT WILL ENABLE THEM TO REACH 6 FEET IN HEIGHT.

LIGHTING NOTES

1. TO PREVENT GLARE ON OFF-SITE LOCATIONS, ALL OUTDOOR LIGHTING FIXTURES SHALL BE FULL CUT-OFF, WHERE NECESSARY TO PREVENT LIGHT TRIPSPASS OR GLARE, ACCESSORIES SUCH AS HOODS AND SHIELDS SHALL BE USED ON FIXTURES. NO SOURCE OF GLARE SHALL BE VISIBLE FROM ANY ADJACENT PROPERTY OR STREET.
2. LIGHT TRIPSPASS SHALL BE PREVENTED BY EMPLOYING LIGHTING SHIELDS, HOODS, WALLS OR FENCES, WHICH CONTROL LIGHT PROTECTION, IN NO CASE SHALL THE SPILLOVER LIGHT LEVEL FROM SITE SIGHTING INTO ADJACENT PROPERTY OR A PUBLIC ROAD EXCEED 0.1 FOOT-CANDLE MEASURED AT GROUND LEVEL TO INTO THE ADJACENT PROPERTY OR STREET FROM ANY ORIENTATION OF THE MEASURING DEVICE
3. SECURITY LIGHTING (FLOODLIGHTS, WHERE PERMITTED, WALL PACKS, AND ETC.) SHALL BE SHIELDED AND DIRECTED AT A DOWNWARD ANGLE NO HIGHER THAN 45 DEGREES ABOVE STRAIGHT DOWN (HALF WAY BETWEEN STRAIGHT DOWN AND STRAIGHT TO THE SIDE) MEASURED PERPENDICULAR FROM THE POLE OR MOUNTING WALL.
4. UNLESS OTHERWISE SPECIFIED BY THIS ORDINANCE, UNIFORMITY RATIOS SHALL NOT EXCEED 4:1. UNIFORMITY SHALL BE BASED ON AVERAGE ILLUMINANCE. UNIFORMITY RATIOS SHALL ONLY BE MEASURED FOR DEVELOPED AREAS OF THE SITE FOR PARCELS GREATER THAN ONE ACRE.
5. PARKING LOT LIGHTING SHALL NOT EXCEED AN INITIAL MAXIMUM OUTPUT OF TEN FOOT - CANDLES AS MEASURED AT GROUND LEVEL FROM ANY ORIENTATION OF THE MEASURING DEVICE
6. AN AS BUILT/INSTALLED LIGHTING CERTIFICATION SEALED BY A REGISTERED ENGINEER STATING THAT ALL SITE LIGHTING IS INSTALLED ACCORDING TO AN APPROVED SITE PLAN SHALL BE REQUIRED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ALL NON-RESIDENTIAL PROJECTS
7. DECORATIVE LIGHTING SHALL BE FOCUSED TOWARD THE GROUND, BE DESIGNED AND INSTALLED TO PREVENT LIGHT TRIPSPASS AND UNNECESSARY GLARE AND ONLY BE USED TO HIGHLIGHT SIGNIFICANT ARCHITECTURAL OR NATURAL FEATURES
8. OUTDOOR LIGHTING NOT NECESSARY FOR SECURITY PURPOSED SHALL BE TURNED OFF DURING NON-OPERATING HOURS.
9. DROP LENSES AND SIMILAR LIGHTING FIXTURES ARE PROHIBITED
10. FLOODLIGHTS ARE NOT PERMITTED FOR ILLUMINATION IN NON-RESIDENTIAL DISTRICTS UNLESS EXPRESSLY PERMITTED BY THIS ORDINANCE. IN ALL APPLICATIONS, LIGHTING SHALL BE DIRECTED DOWNWARD. FLOODLIGHTS IN RESIDENTIAL DISTRICTS SHALL NOT SHINE DIRECTLY onto AN ADJACENT PROPERTY OR PUBLIC RIGHTS -OF-WAY.
11. CANOPIES AND AWNINGS USED FOR BUILDING ACCENTS SHALL NOT BE INTERNALLY ILLUMINATED
12. FLASHING, COLORED OR OBTRUSIVE LIGHTING IS PROHIBITED
13. THE USE OF LASER SOURCE LIGHT OR ANY SIMILAR HIGH INTENSITY LIGHT FOR OUTDOOR ADVERTISING OR ENTERTAINMENT IS PROHIBITED
14. THE OPERATION OF SEARCHLIGHTS FOR ADVERTISING PURPOSES IS PROHIBITED
15. BLACK LIGHTS AND NEON LIGHTS (INCLUDING ARGON AND SIMILAR RARE GAS FIXTURES), EXCEPT FOR SIGNAGE, ARE PROHIBITED.

NOTE: SITE LIGHTING WILL BE PERMITTED SEPARATELY AND IN COMPLIANCE WITH ARTICLE 8.26

UTILITY NOTES

1. THE CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES. THE LOCATION OF ALL EXISTING UTILITIES ARE NOT NECESSARILY SHOWN ON THE PLANS AND WHERE SHOWN ARE ONLY APPROXIMATE. THE CONTRACTOR SHALL CONDUCT A FIELD SURVEY OF ALL UTILITIES AND AT NO EXTRA COSTS HAVE LOCATED ALL UNDERGROUND LINES AND STRUCTURES AS NECESSARY. NO CLAIMS FOR DAMAGES OR EXTRA COMPENSATION SHALL ACCRUE TO THE CONTRACTOR FROM THE PRESENCE OF SUCH PIPE, OTHER OBSTRUCTIONS OR FROM ANY OTHER DAMAGE TO REMAINING UTILITIES. THE CONTRACTOR SHALL REARRANGE EXISTING UTILITIES AS NECESSARY TO DAMAGE TO UNDERGROUND STRUCTURES. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL NON-SUBSCRIBING UTILITIES. THE CONTRACTOR(S) SHALL CONTACT "NORTH CAROLINA ONE CALL" AT 1-800-632-4249 FOR ASSISTANCE IN LOCATING EXISTING UTILITIES. CALL AT LEAST 48 HOURS PRIOR TO ANY DIGGING.
2. UTILITY INFORMATION SHOWN HEREON WAS OBTAINED FROM THE BEST AVAILABLE SOURCE AND MAY OR MAY NOT BE THERE ACCURATE OR COMPLETE. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING EXACT LOCATIONS OF EXISTING UTILITIES AND IS RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITIES, EITHER PUBLIC OR PRIVATE, AND FOR REMEDIATION NOT SHOWN HEREON. ANY REPAIRS SHALL BE DONE TO THE SATISFACTION OF THE APPROPRIATE UTILITY COMPANY.
3. THE GENERAL CONTRACTOR SHALL CONFIRM ALL NEW UTILITY TAP LOCATIONS WITH THE UTILITY OWNERS.
4. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO VERIFY THE ACTUAL LOCATION AND AVAILABILITY OF ALL EXISTING AND PROPOSED UTILITIES IN THE FIELD PRIOR TO GROUND BREAKING.
5. MINIMUM COVER FOR CONDUITS SHALL BE 36 INCHES UNLESS OTHERWISE SHOWN OR NOTED ON THESE PLANS.
6. ALL MANHOLES, VALVES AND MONUMENT FRAMES SHALL BE SET TO FINISH GRADE AFTER PAIVING.
7. THE CONTRACTOR SHALL COMPLY WITH THE RULES AND REGULATIONS OF THE STATE CONSTRUCTION SAFETY ORDERS. TRENCHES SHALL BE SHORED IN ACCORDANCE TO OSHA.
8. OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION (OSHA) STANDARDS FOR EXCAVATIONS, FINAL RULE 29CFR 1926.650, SHALL BE APPLIED TO ALL TRENCHES EXCEEDING 5 FEET IN DEPTH. EXCAVATION EXCEEDING TWENTY (20) FEET IN DEPTH REQUIRES THE DESIGN OF A TRENCH SAFETY SYSTEM BY A REGISTERED PROFESSIONAL ENGINEER.
9. EQUIPMENT AND PRODUCTS OTHER THAN THOSE SPECIFIED MAY BE USED PROVIDED PRIOR APPROVAL HAS BEEN OBTAINED FROM THE OWNER IN WRITING PRIOR TO ORDERING OR INSTALLATION. THE CONSTRUCTION SHALL HAVE PRIVATELY OBTAINED ADDITIONAL COST RELATIVE TO THE SUBSTITUTION OF ALTERNATE EQUIPMENT.
10. CONTRACTOR SHALL MAINTAIN AN "AS-BUILT" SET OF DRAWINGS TO RECORD THE EXACT LOCATION OF ALL PAVING PRIOR TO CONCRETE. DRAWINGS SHALL BE GIVEN TO THE OWNER UPON COMPLETION OF THE PROJECT WITH A COPY OF THE TRANSMITTAL LETTER TO THE ENGINEER.
11. ALL UTILITY CONSTRUCTION SHALL BE IN ACCORDANCE WITH CHARLOTTE WATER STANDARDS.
12. SITE UTILITY CONTRACTOR TO PROVIDE WATER, SANITARY SEWER, AND ROOF DRAIN LEADERS TO WITHIN 5 FEET OF THE BUILDING. CONTRACTOR SHALL COORDINATE SITE PLANN CONNECTIONS WITH THE ARCHITECTURAL BUILDING PLANS.
13. RELATION OF WATER MAINS TO SEWERS:
 - A. LATERAL SEPARATION OF SEWER AND WATER MAINS: WATER MAINS SHALL BE LAID AT LEAST 10 FEET LATERALLY FROM EXISTING OR PROPOSED SEWERS UNLESS LOCAL CONDITIONS OR BARRIERS PREVENT A 10 FOOT LATERAL SEPARATION, IN WHICH CASE:
 1. THE WATER MAIN IS LAID IN A SEPARATE TRENCH WITH THE ELEVATION OF THE BOTTOM OF THE WATER MAIN AT LEAST 18 INCHES ABOVE THE TOP OF THE SEWER, OR
 2. THE WATER MAIN IS LAID IN THE SAME TRENCH AS THE SEWER WITH THE WATER MAIN LOCATED AT ONE SIDE ON BENCH OF UNDISTURBED EARTH, ABOVE THE TOP OF THE SEWER
 - B. CROSSING A WATER MAIN OVER A SEWER MAIN:
 1. WHENEVER IT IS NECESSARY FOR A WATER MAIN TO CROSS OVER A SEWER, THE WATER MAIN SHALL BE LAID AT SUCH AN ELEVATION AS TO MAINTAIN THE BOTTOM OF THE WATER MAIN IS AT LEAST 18 INCH ABOVE THE TOP OF THE SEWER MAIN, UNLESS LOCAL CONDITIONS OR BARRIERS PREVENT AN 18 INCH VERTICAL SEPARATION - IN WHICH CASE BOTH THE WATER MAIN AND SEWER MAIN SHALL BE CONSTRUCTED OF CONCRETE PIPE MATERIALS AND WITH JOINTS THAT ARE EQUIVALENT TO WATER MAIN STANDARDS FOR A DISTANCE OF 10 FEET ON EACH SIDE OF THE POINT OF CROSSING.
 - C. CROSSING A WATER MAIN UNDER A SEWER MAIN:
 1. WHENEVER IT IS NECESSARY FOR A WATER MAIN TO CROSS UNDER A SEWER MAIN, BOTH THE WATER MAIN AND SEWER MAIN SHALL BE CONSTRUCTED OF CONCRETE PIPE MATERIALS AND WITH JOINTS THAT ARE EQUIVALENT TO WATER MAIN STANDARDS FOR A DISTANCE OF 10 FEET ON EACH SIDE OF THE POINT OF CROSSING.
14. CROSSING A SEWER LINE OVER OR UNDER A STORM DRAIN:
 1. WHENEVER IT IS NECESSARY FOR A SEWER LINE TO CROSS A STORM DRAIN PIPE, THE SEWER LINES SHALL BE LAID AT SUCH AN ELEVATION AS TO MAINTAIN THE SEWER LINE NEAREST TO THE OUTSIDE OF THE STORM DRAIN PIPE SHALL MAINTAIN A 12 INCH CLEAR SEPARATION DISTANCES, OR ENCASED IN EITHER CONCRETE OR DUCTILE IRON PIPE FOR AT LEAST 5 FEET ON EITHER SIDE OF CROSSING.
15. UNDERGROUND CONDUITS TO SIGNS, LOT LIGHTS, ETC. SHALL BE PLACED IN GRASS OR LANDSCAPE AREAS. WHEREVER POSSIBLE, THE LOCATION OF ALL CONDUITS SHOWN ON THESE PLANS SHALL BE CONSIDERED TO BE SCHEMATIC WITH ACTUAL LOCATION TO BE VERIFIED BY THE GENERAL CONTRACTOR, PVC SCH 40 SLEEVES SHALL BE INSTALLED FOR ALL CONDUIT CROSSING UNDER PAVED AREAS.
16. THE CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES TO DETERMINE EXACT POINT OF SERVICE LOCATION AT EXTERIOR OF BUILDING. PROVIDE ALL NECESSARY ELECTRICAL AND PLUMBING DRAWINGS FOR UTILITY SERVICE. ENTRANCE LOCATIONS, SIZES AND CIRCUITING.

CONTACTS:

MECKLENBURG COUNTY
STORM WATER SERVICE
2145 SUTTLE AVENUE
CHARLOTTE, NC 28208
TEL: (980) 314-3232

PROPERTY OWNER:
JAMES STEVEN DOVE
13332 MT HOLLY RD
HUNTERVILLE, NC 28078

CIVIL ENGINEER
BARRY M. FAY, P.E.
AMERICAN ENGINEERING
ASSOCIATES - SOUTHEAST, PA
8008 CORPORATE CENTER DR
SUITE 110
CHARLOTTE, NC 28226
TEL: 704-375-2438
bfay@american-ea.com

TOWN OF HUNTERSVILLE
PLANNING DEPT.
105 GILEAD ROAD
HUNTERSVILLE, NC 28078
TEL: (704) 875-6541

SITE STATISTICS:

PROPERTY DESCRIPTION: 16220 OLD STATESVILLE ROAD
PIN #: 01101208, 01101209
TOTAL PROPERTY AREA: 3.922 ACRES
RAIL ROAD R/W AREA: 0.481 ACRES (LESS McCORD RD R/W DEDICATION)
McCORD RD R/W DEDICATION: 0.189 ACRES
OLD STATESVILLE RD
R/W DEDICATION: 0.321 ACRES
NET PROPERTY AREA: 2.831 ACRES
(LESS RAIL ROAD R/W AND PUBLIC R/W DEDICATION)
CURRENT ZONING: SP, HC
PROPOSED ZONING: SP—CD
EXISTING USE: COMMERCIAL / RESIDENTIAL
PROPOSED USE: SELF—STORAGE
BUILDING FOOTPRINT: 34,400 ± SF CLIMATE CONTROL
13,200 ± SF STANDARD

ESTIMATED GROSS FLOOR AREA: 103,200 ± SF
REQUIRED PARKING: 26 SPACES (0.25 SPACE / 1,000 SF)
PROVIDED PARKING: 26 SPACES
IMPERVIOUS AREA: 1.760 AC (60% OF NET PROPERTY AREA)

DRAWING COMPONENTS

- PROPERTY LINE INFORMATION FROM SURVEY PREPARED BY CAROLINA SURVEYORS, INC.
- ZONING FROM TOWN OF HUNTERSVILLE

NOTE: DRIVEWAYS, CURB AND GUTTER, PLANTING STRIP AND SIDEWALK REQUIRED ALONG FRONTAGE OF OLD STATESVILLE ROAD AND McCORD ROAD ARE SUBJECT TO NCDOT APPROVAL.

CONCEPTUAL PLAN
NOT FOR CONSTRUCTION

MORNINGSTAR
HUNTERSVILLE

OLD STATESVILLE RD
TOWN OF HUNTERSVILLE,
MECKLENBURG COUNTY, NC

JOB NUMBER: C230015

DESIGN BY: BHE

DATE: 11/30/2023

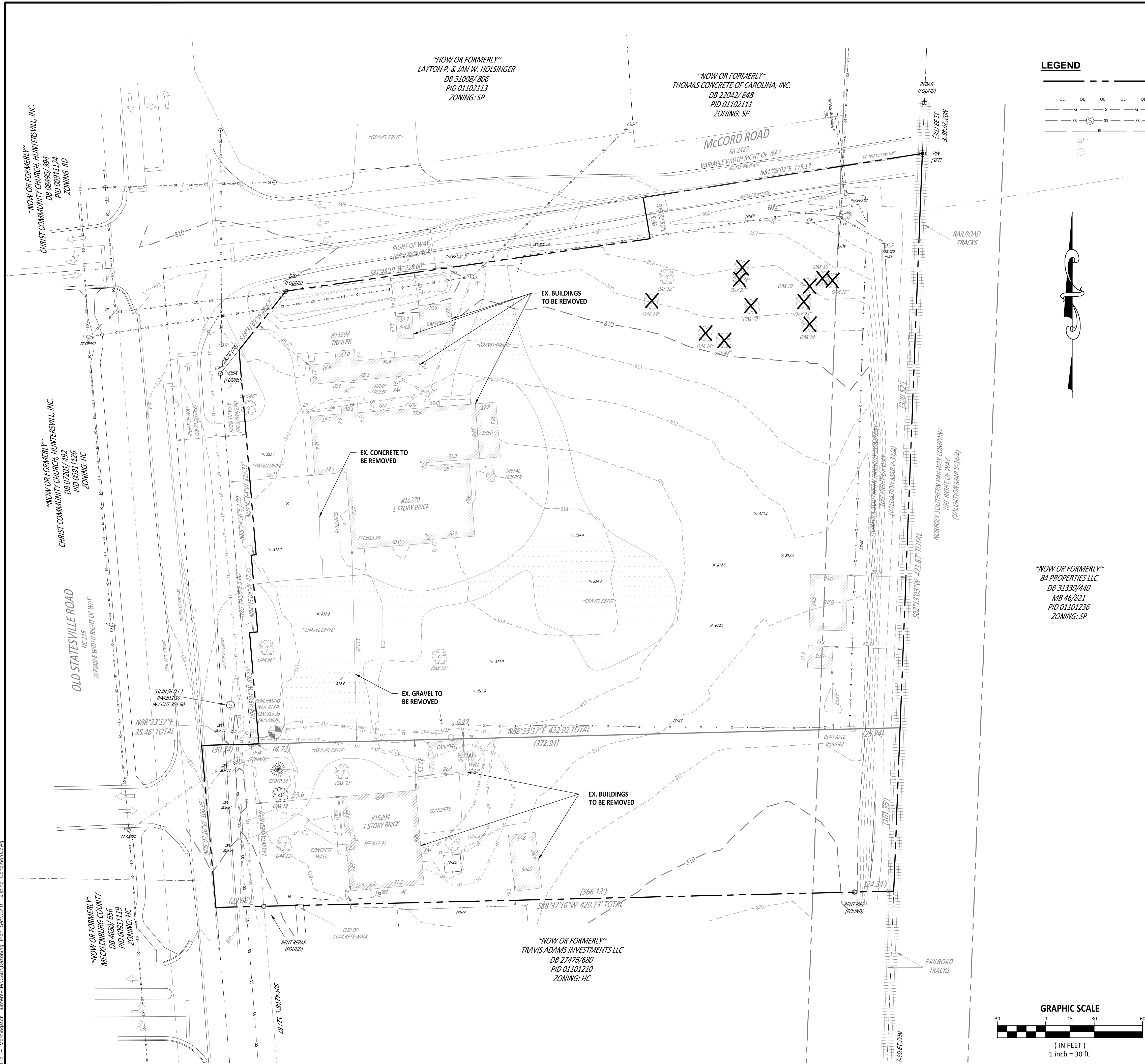
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COVER SHEET

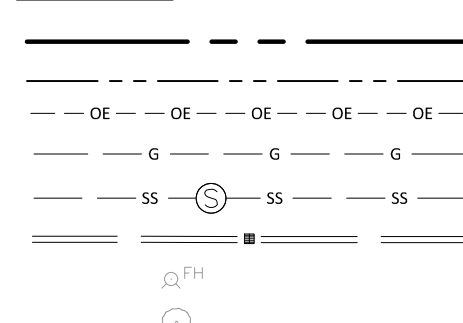
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LEGEND



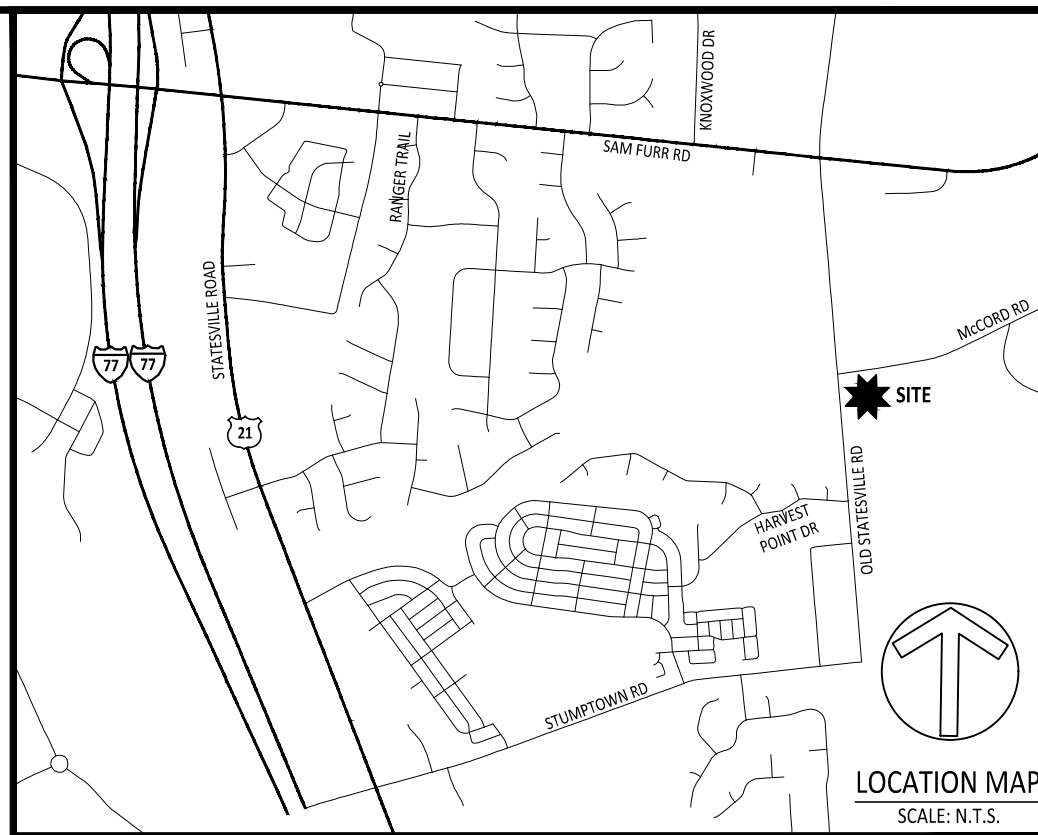
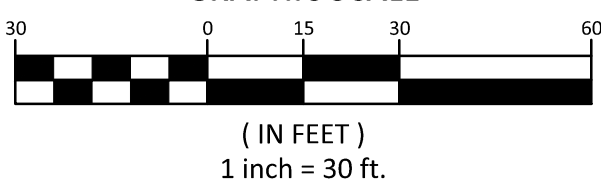
SITE BOUNDARY
RIGHT OF WAY LINE
UNDERGROUND ELECTRIC
GAS LINE
SANITARY PIPE AND MANHOLE
STORM PIPE AND STORM STRUCTURE
FIRE HYDRANT
TREE

EXISTING CONDITION NOTES

- THIS MAP IS NOT INTENDED TO BE A BOUNDARY SURVEY.
- PROPERTY IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHTS-OF-WAY, UTILITIES AND COVENANTS WHICH MAY BE OF RECORD.
- BOUNDARY INFORMATION TAKEN FROM MAP ENTITLED "ALTA/ADPS LAND TITLE SURVEY SHOWING PROPERTY ALONG OLD STATESVILLE ROAD" SAID MAP PREPARED BY CAROLINA SURVEYORS, INC. AND DATED APRIL, 10 2023.
- VERTICAL DATUM IS NAD 83 (2011).
- THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710465100K, WITH A DATE OF IDENTIFICATION OF 11/16/2018.
- CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITIES PRIOR TO BEGINNING WORK, BOTH PUBLIC AND PRIVATE. CONTRACTOR IS FULLY RESPONSIBLE FOR PROTECTION AND SUPPORT OF ALL EXISTING UTILITIES DURING CONSTRUCTION AND SHALL REPAIR ANY DAMAGE AS A RESULT OF THIS CONTRACT.
- CONTRACTOR SHALL GIVE NOTICE TO THE ENGINEER OF ANY CONFLICTS OR REQUIRED RELOCATIONS NOT SHOWN HEREON.
- CONTRACTOR TO PROTECT ADJACENT CURBS, TREES, BUILDINGS, UTILITIES AND OTHER ITEMS TO REMAIN FROM DAMAGE. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIR AND/OR PAYMENT OF ANY DAMAGED ITEM THAT ARE TO REMAIN.
- NO SOIL DISTURBANCE OR COMPACTION, CONSTRUCTION MATERIALS, TRENCHING OR OTHER LAND DISTURBING ACTIVITIES IN TREE PROTECTION AREAS.

"NOW OR FORMERLY"
84 PROPERTIES LLC
DB 31330/440
MB 46/821
PID 01101236
ZONING: SP

GRAPHIC SCALE



CONCEPTUAL PLAN
NOT FOR CONSTRUCTION

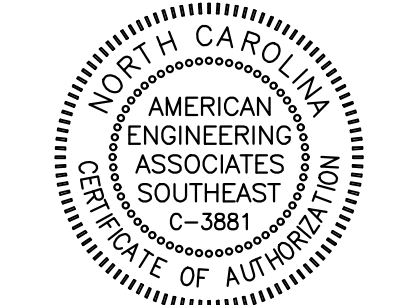
MORNINGSTAR
HUNTERSVILLE
OLD STATESVILLE RD
TOWN OF HUNTERSVILLE,
MECKLENBURG COUNTY, NC

JOB NUMBER: C2300015
DESIGN BY: BHE
DATE: 11/30/2023

SHEET TITLE:
EXISTING
CONDITIONS &
DEMOLITION
PLAN

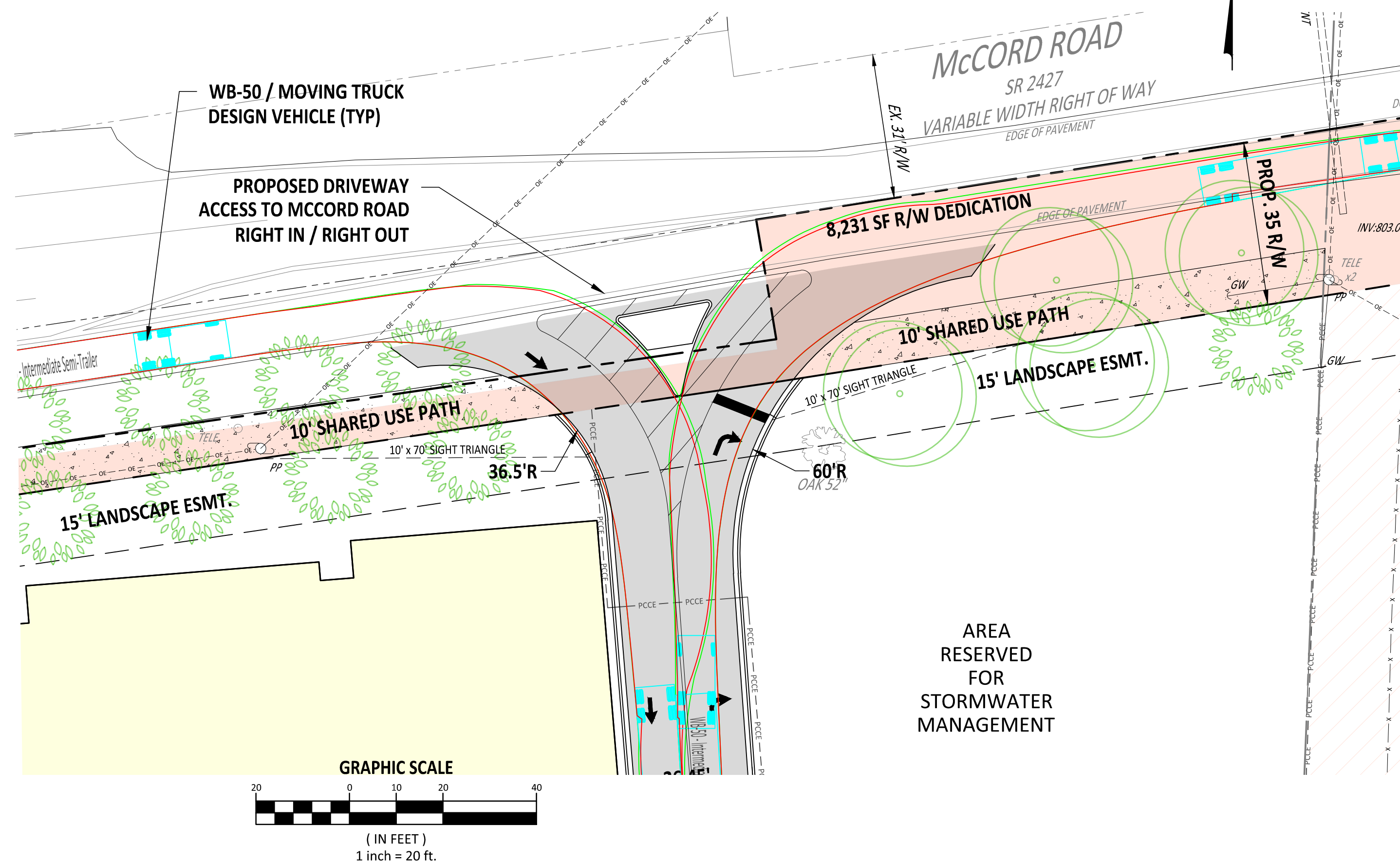
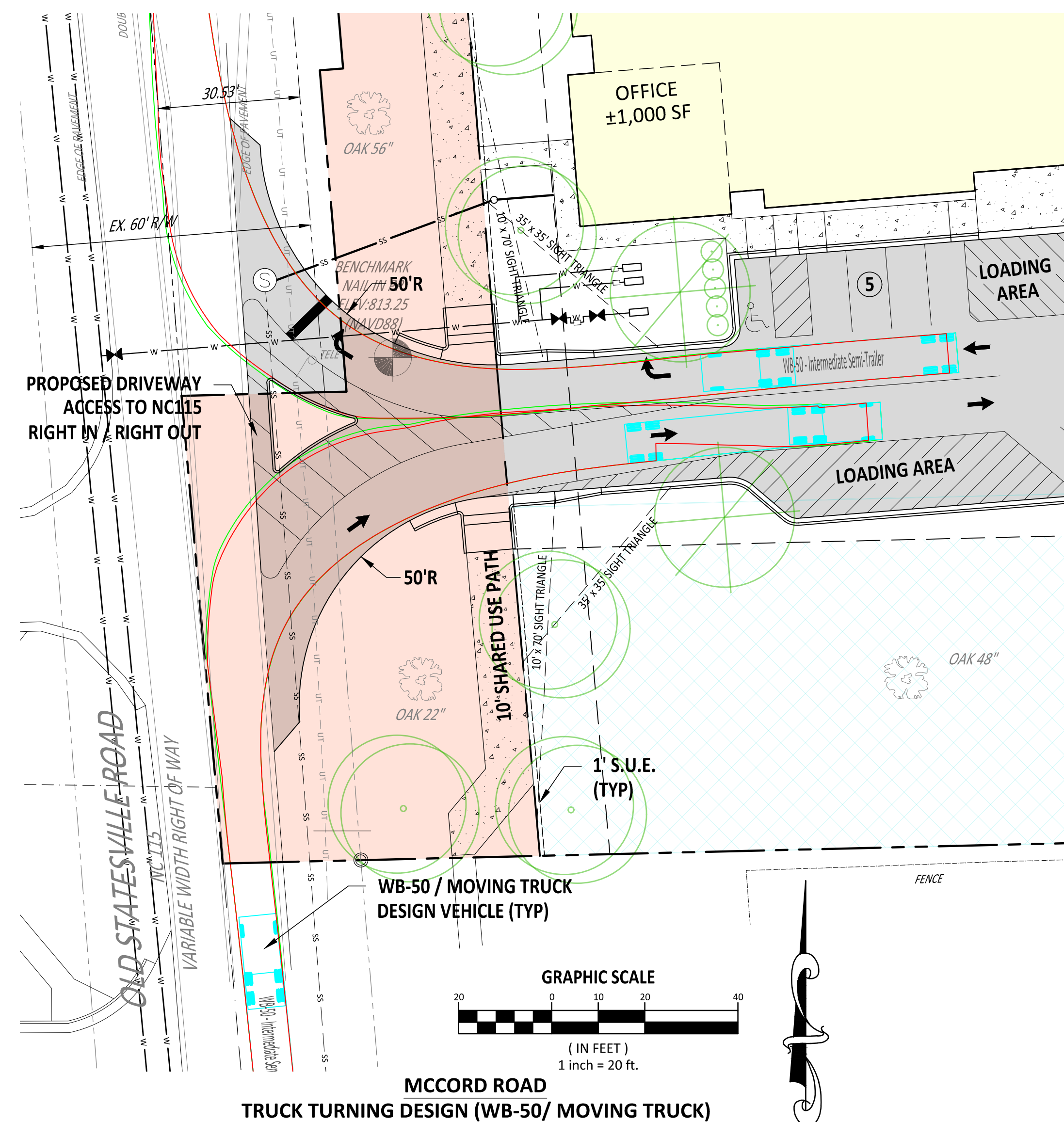
SHEET NO.:
C2.0

AMERICAN
Engineering
American Engineering Associates - Southeast, P.A.
8008 Corporate Center Drive, Suite 110
Charlotte, NC 28226
704-375-2438

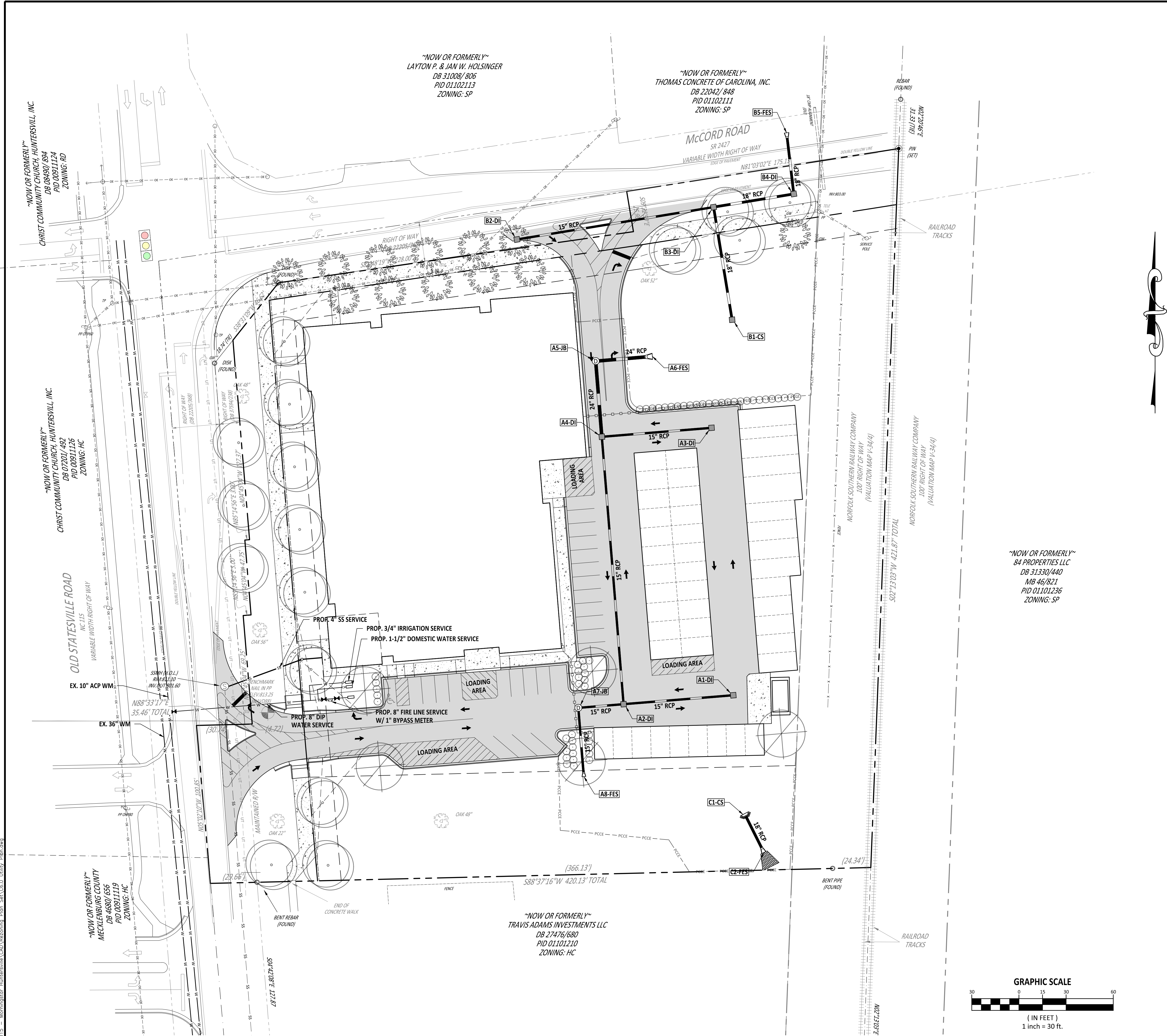


North Carolina 811
*** 3 Days Before Digging ***
North Carolina 811
811 or 1-800-632-4949
Remote Ticket Entry
<http://nc811.org/remoteticketentry.htm>

STIPULATION FOR REUSE
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SHEET NO.: **C3.1**



CHARLOTTE WATER GENERAL NOTES

- 1) NO PUBLIC WATER OR PUBLIC SANITARY SEWER MAIN CONSTRUCTION MAY TAKE PLACE ON THIS PROJECT UNTIL THE UTILITY CONTRACTOR HAS REQUESTED, SCHEDULED, AND ATTENDED A PRECONSTRUCTION CONFERENCE WITH THE CHARLOTTE WATER CONSTRUCTION INSPECTOR ASSIGNED TO THE PROJECT. ANY WORK PERFORMED PRIOR TO THE PRE-CONSTRUCTION CONFERENCE SHALL NOT BE ACCEPTED BY CHARLOTTE WATER AND SHALL BE REMOVED AND REPLACED WITH NEW MATERIALS.
- 2) APPROVAL FOR BACKFLOW PREVENTION REQUIREMENTS IS NOT PART OF THIS REVIEW. BACKFLOW PREVENTION REVIEW ENTAILS PLAN SUBMITTAL VIA MECKLENBURG COUNTY'S CODE ENFORCEMENT PERMITTING PROCESS AT THE TIME OF APPLICATION FOR BUILDING PERMITS. BACKFLOW PROGRAM REQUIREMENTS ARE AVAILABLE AT <http://charlottenc.gov/Water/Pages/BackflowConstructionGuidelines.aspx>. PLEASE CONTACT MARK BULLINS AT 704-432-5800 FOR MORE INFORMATION.
- 3) ANY REVISION TO THE SERVICE CONFIGURATIONS AND/OR METER LOCATIONS WILL REQUIRE A RESUBMITTAL TO BACKFLOW FOR REVIEW.
- 4) CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH CHARLOTTE WATER STANDARDS AND SPECIFICATIONS PER WEBSITE AT WWW.CHARLOTTEWATER.ORG.
- 5) ALL CONTRACTORS WORKING ON CHARLOTTE WATER PROJECTS ARE REQUIRED TO OWN A COPY OF THE DESIGN MANUAL AND SHALL KEEP A COPY ON THE JOB SITE AT ALL TIMES.
- 6) CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING ALL APPROPRIATE PARTIES AND ASSURING THAT UTILITIES ARE LOCATED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. CALL NC811 AT 1-800-632-4949 OR 811 FOR UTILITY LOCATING SERVICES 72 HOURS PRIOR TO COMMENCEMENT OF ANY WORK. CONTRACTOR SHALL VERIFY LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. 7) IF THE PROPOSED WATER AND/OR SANITARY SEWER MAIN IS INSTALLED WITHIN 12" IN ANY DIRECTION (VERTICALLY OR HORIZONTALLY) FROM NATURAL GAS MAINS, THE CONTRACTOR SHALL INFORM THE UTILITY OWNER.
- 8) SANITARY SEWER LATERAL LOCATIONS ARE SUBJECT TO RELOCATION DUE TO FIELD CONDITIONS, AS DETERMINED BY THE CHARLOTTE WATER INSPECTOR.
- 9) SANITARY SEWER LATERALS ARE TO BE INSTALLED AT A DEPTH NO GREATER THAN FIVE (5) FEET WHERE PRACTICAL AT THE PROPERTY LINE UNLESS INDICATED ON THE PLANS TO BE INSTALLED AT "MINIMUM SLOPE".
- 10) MINIMUM COVER OF 36" FOR WATER MAINS.
- 11) DUCTILE IRON PIPE REQUIRED FOR BOTH WATER & SANITARY SEWER LINES IF THE FOLLOWING CLEARANCES ARE NOT MET: • WATER LINE CROSSING UNDER SEWER LINE (FOR ANY CLEARANCE). • 18" VERTICAL FOR WATER LINE INSTALLED ABOVE SEWER LINE. • 10' HORIZONTAL SEPARATION FOR WATER LINE PARALLEL TO SEWER LINE (OR 18" VERTICAL SEPARATION IN SEPARATE DITCHES). • FOR WATER LINES 12" CLEARANCE WITH STORM DRAINS, GAS MAINS, TELEPHONE DUCTS, AND UNDERGROUND CABLES.
- 12) RECORDED PLATS ARE REQUIRED FOR ACTIVATION OF WATER MAINS, EASEMENTS ARE NOT ACCEPTABLE.
- 13) ALL WATER MAINS AND SERVICES SHALL BE INSTALLED WITH SOLID COPPER 12-GAUGE TRACER WIRE, 30 MILS BLUE HDPE INSULATION, CONDUCTIVITY TEST REQUIRED DURING FINAL INSPECTION. CONTRACTOR SHALL PROVIDE ALL TEST EQUIPMENT.

CONCEPTUAL PLAN
NOT FOR CONSTRUCTION

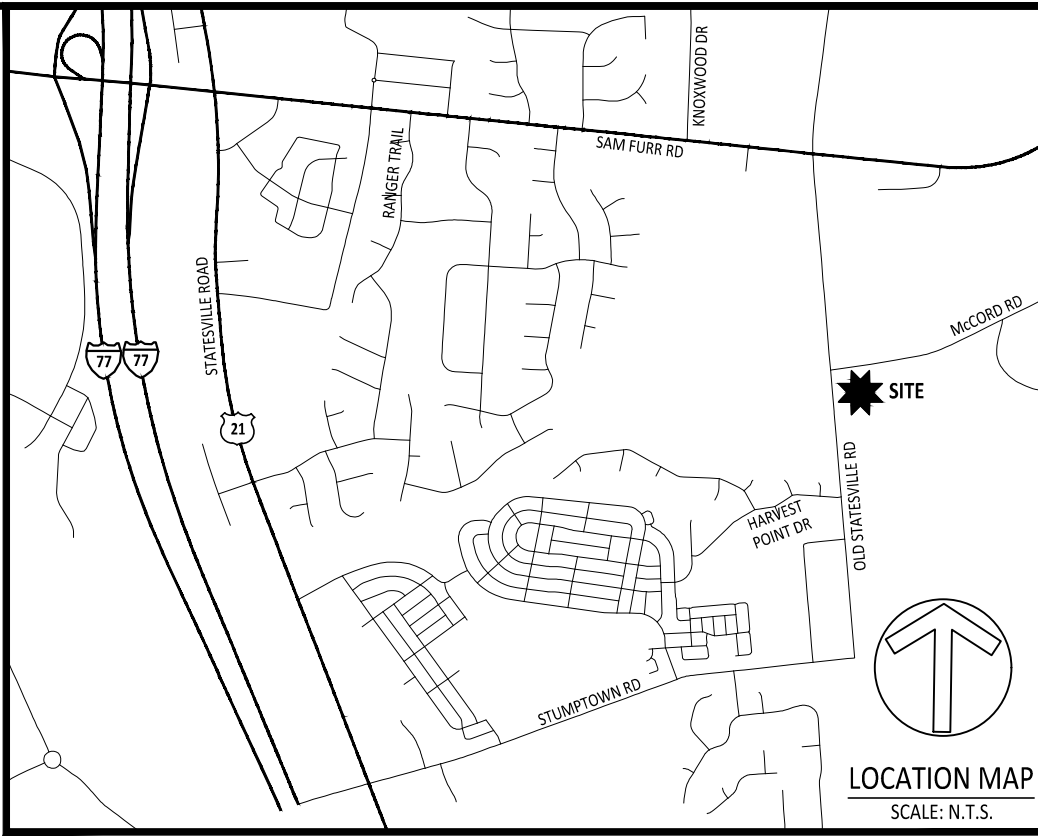
MORNINGSTAR
HUNTERSVILLE
OLD STATESVILLE RD
TOWN OF HUNTERSVILLE,
MECKLENBURG COUNTY, NC

JOB NUMBER: C2300015
DESIGN BY: BHE
DATE: 11/30/2023

SHEET TITLE:

UTILITY PLAN

SHEET NO.:
C6.0



AMERICAN
Engineering
American Engineering Associates - Southeast, P.A.
8008 Corporate Center Drive, Suite 110
Charlotte, NC 28226
704-375-2438



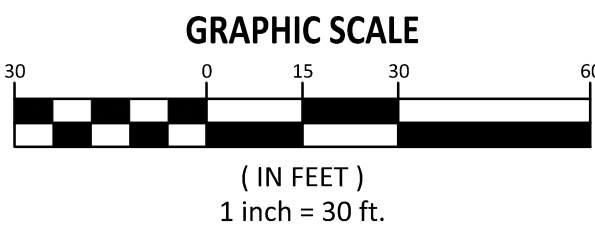
NO. DATE REVISION:

North Carolina 811
*** 3 Days Before Digging ***
North Carolina 811
811 or 1-800-632-4949
Remote Ticket Entry
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STIPULATION FOR REUSE

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KEY	QUAN.	BOTANICAL NAME	COMMON NAME	SIZE	CONT.	COMMENTS
		TREES				
	12	Cercis canadensis	Eastern Redbud	2" caliper	B & B	Minimum height 8'-10' at time of planting
	5	Ginkgo biloba	Ginkgo	2" caliper	B & B	Minimum height 8'-10' at time of planting
	16	Quercus laurifolia	Laurel Oak	2" caliper	B & B	Minimum height 8'-10' at time of planting



STREET TREE REQUIREMENTS:

REQUIRED: LARGE MATURING CANOPY TREES PLANTED 40 FEET ON CENTER, SMALL MATURING "CANOPY-LIKE" TREES PLANTED 30 FEET ON CENTER WHEN CONFLICTS WITH OVERHEAD UTILITY LINES

PROVIDED: LARGE MATURING CANOPY TREES PLANTED 40 FEET ON CENTER, SMALL MATURING "CANOPY-LIKE" TREES PLANTED 30 FEET ON CENTER WHEN CONFLICTS WITH OVERHEAD UTILITY LINES

ADDITIONAL REQUIREMENTS:

REQUIRED: AN ADDITIONAL ROW OF STREET TREES LOCATED BEHIND THE PROPOSED SIDEWALK IN A 10-FOOT LANDSCAPE EASEMENT
PROVIDED: AN ADDITIONAL ROW OF STREET TREES LOCATED BEHIND THE PROPOSED SIDEWALK IN A 20-FOOT LANDSCAPE EASEMENT

PARKING LOT INTERIOR LANDSCAPING REQUIREMENTS:

REQUIRED: LARGE MATURING CANOPY TREES PLANTED 40 FEET ON CENTER
PROVIDED: LARGE MATURING CANOPY TREES PLANTED 40 FEET ON CENTER

NOTE: STREET TREE LOCATIONS ARE SUBJECT TO CHANGE DURING CONSTRUCTION PLAN PHASE TO MEET REQUIREMENTS OF THE TOWN'S ENGINEERING STANDARDS AND PROCEDURES MANUAL AND THE NCDOT PLANTING GUIDELINES.

TREE SAVE CALCULATIONS:

SP ZONING: 0% OF EXISTING CANOPY REQUIRED TO BE PRESERVED
100% OF HERITAGE TREES TO BE PRESERVED
30% OF SPECIMEN TREES TO BE PRESERVED

EXISTING SPECIMEN TREE DBH = 420'

PRESERVED SPECIMEN TREE DBH = 204" (48.6%)

PLANT INSTALLATION & MAINTENANCE NOTES:

1. ALL LANDSCAPING SHALL BE OF NURSERY STOCK QUALITY AND SHALL BE INSTALLED IN A SOUND, WORKMANLIKE MANNER AND ACCORDING TO ACCEPTED GOOD PLANTING PROCEDURES.
2. ALL LANDSCAPING SHALL BE ADAPTABLE TO CLIMATIC CONDITIONS OF THE AREA.
3. LARGE TREES SHOULD NOT BE PLANTED WITHIN EASEMENTS AND A MINIMUM OF 6' FROM UTILITY LINES, UNLESS OTHERWISE SPECIFIED BY REVIEWING AGENCY. SHRUBS MAY BE PLANTED IN EASEMENTS, BUT A MINIMUM OF 3' FROM UTILITY LINES, UNLESS OTHERWISE SPECIFIED BY REVIEWING AGENCY.
4. ALL LANDSCAPING SHALL BE MAINTAINED IN GOOD CONDITION.
5. ALL LANDSCAPING SHALL AT ALL TIMES PRESENT A HEALTHY, NEAT, CLEAN, ORDERLY, DISEASE-FREE AND PEST-FREE APPEARANCE.
6. ALL LANDSCAPING SOIL AND FILL SHALL BE FREE FROM WEEDS, REFUSE, AND DEBRIS AT ALL TIMES.
7. EXCESS SOIL SHALL BE DISPOSED OF IN A LEGAL MANNER.
8. ANY DEAD PLANT MATERIAL OR MATERIAL THAT FAILS TO SHOW HEALTHY GROWTH MUST BE REMOVED WITHIN 30 DAYS.
9. REPLACEMENT OF REMOVED PLANT MATERIAL MUST TAKE PLACE WITHIN 90 DAYS OF REMOVAL OR NOTIFICATION BY THE CITY, WHICHEVER OCCURS FIRST.
10. ANY REPLACEMENT PLANT MATERIAL MUST MEET THE SIZE AND OTHER CHARACTERISTICS OF NEWLY PLANTED MATERIAL.
11. IF USING STAKES AND GUYS SUCH SUPPORTS SHALL BE DESIGNED SO AS TO PROTECT TREES AND SHRUBS FROM INJURY. TREES AND SHRUBS SHALL BE FASTENED TO THE SUPPORT WITH AN ACCEPTABLE COMMERCIAL TREE TIE OF PLASTIC OR HOSE-COVERED WIRE. AFTER THE WARRANTY PERIOD HAS ENDED, STAKES AND GUYS SHALL BE REMOVED.
12. CONTRACTOR IS RESPONSIBLE TO CONTACT MISS UTILITIES (811) 48 HOURS PRIOR TO COMMENCEMENT OF WORK. CONTACT LANDSCAPE ARCHITECT IF FIELD CONFLICTS/DISCREPANCIES ARISE.
13. CONTRACTOR RESPONSIBLE TO VERIFY PLANT COUNTS. PLANTING PLAN SHALL GOVERN IN THE CASE OF A CONFLICT.
14. ALL PLANTS SHALL MEET OR EXCEED STANDARDS AS DETERMINED BY THE AMERICAN STANDARD OF NURSERY STOCK.
15. CONTRACTOR SHALL WARRANTY ALL PLANTS FOR A PERIOD OF ONE YEAR FROM DATE OF FINAL ACCEPTANCE.
16. WHEN POSSIBLE, PLANTING SHALL BE INSTALLED BETWEEN SEPTEMBER 1 - JUNE 30TH AND IN FAVORABLE WEATHER CONDITIONS. IF PLANTING MUST BE PERFORMED OUTSIDE OF SPECIFIED DATES, PLANTS MUST BE WATERED ON A REGULAR BASIS TO ENSURE VIABILITY.
17. PLANT VARIETIES, SIZES AND LAYOUT MUST CONFORM ACCURATELY TO THE LANDSCAPE PLAN. CONTACT LANDSCAPE ARCHITECT FOR FIELD CONFLICTS.
18. DISTURBED AREAS SHALL BE SEEDED ACCORDING TO THE NOTES FOUND ON THIS PAGE.
19. PLANT SUBSTITUTIONS SHALL BE BROUGHT TO THE ATTENTION OF AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
20. MULCH USED ON-SITE SHALL BE OF A NON-DYED, NATURAL HARDWOOD VARIETY TO BE INSTALLED AT A MAXIMUM DEPTH OF 3", MINIMUM DEPTH OF 2".

TOPSOIL / PLANTING MIX MINIMUM REQUIREMENTS:

1. TOPSOIL/PLANTING MIX SHOULD BE NATURAL, FERTILE, AGRICULTURAL SOIL, CAPABLE OF SUSTAINING VIGOROUS PLANT GROWTH. IT SHOULD BE UNIFORM COMPOSITION THROUGHOUT, WITH ADMIXTURE OF SUBSOIL. IT SHOULD BE FREE OF STONES, LUMPS, LIVE PLANTS AND THEIR ROOTS, STICKS AND OTHER EXTRANEEOUS MATTER. TOPSOIL SHOULD NOT BE USED WHILE IN A FROZEN OR MUDDY CONDITION.
2. TOPSOIL/PLANTING MIX SHALL HAVE AN ACIDITY RANGE OF PH 5.5-7.0 AND THE FOLLOWING COMPOSITION:

CLAY (RED CLAY, WELL PULVERIZED)	MINIMUM 10%; MAXIMUM 35%
COMPOST*/ORGANIC	MINIMUM 5%; MAXIMUM 10%
SILT	MINIMUM 30%; MAXIMUM 50%
COARSE SAND (FREE OF ROCKS, 0.5 TO 1.0 MM F)	MINIMUM 30%; MAXIMUM 45%
3. ORGANIC MATERIAL SUCH AS SAWDUST OR LEAF MOLD THAT HAS COMPLETED THE DECOMPOSITION PROCESS
4. RECOMMENDATIONS:
5. ALL PLANTING AREAS SHOULD BE TESTED FOR PROPER DRAINAGE. DRAINAGE SHOULD BE CORRECTED AS NECESSARY TO INSURE PROPER TREE GROWTH AND SURVIVAL. THE FOLLOWING LEVEL OF NUTRIENT ELEMENTS IS RECOMMENDED FOR PROPER GROWTH:

CALCIUM	55 - 80%
MAGNESIUM	10 - 30%
POTASSIUM	5 - 8%

SEEDING SCHEDULE FOR LAWNS & SLOPES (MAXIMUM 3:1):

DATE	TYPE	PLANTING RATE
AUG 15 - NOV 1	TALL FESCUE	300 LBS/ACRE
NOV 1 - MAR 1	TALL FESCUE AND ABRUZZI RYE	300 LBS/ACRE OR ANNUAL RYE
MAR 1 - APR 15	TALL FESCUE OR HARD FESCUE	300 LBS/ACRE
MAR 1 - JUL 15	HULLED COMMON BERMUDA GRASS OR HYBRID BERMUDA GRASS OR CENTIPEDE GRASS OR ZOYSIA GRASS OR ST. AUGUSTINE GRASS	200 LBS/ACRE
APR 15 - JUN 30	WEeping LOVE GRASS OR BAHIA GRASS	25 LBS/ACRE
JUL 1 - AUG 15	TALL FESCUE AND *** BROWNTOP MILLET *** OR SORGHUM-SUDAN HYBRIDS	120 LBS/ACRE 35 LBS/ACRE 30 LBS/ACRE

CONCEPTUAL PLAN
NOT FOR CONSTRUCTION

MORNINGSTAR
HUNTERSVILLE
OLD STATESVILLE RD
TOWN OF HUNTERSVILLE
MECKLENBURG COUNTY, NC

JOB NUMBER: C230015

DESIGN BY: BHE

SHEET TITLE:

LANDSCAPE PLAN

SHEET NO.:

C7.0

[illegible]

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MORNINGSTAR STORAGE - HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA

16 OCTOBER 2023

EXTERIOR RENDERING

oda.us.com | ODA ARCHITECTURE





MORNINGSTAR STORAGE - HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA

16 OCTOBER 2023

EXTERIOR RENDERING

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MORNINGSTAR STORAGE - HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA

16 OCTOBER 2023

EXTERIOR RENDERING

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MORNINGSTAR STORAGE - HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA

16 OCTOBER 2023

NORTH ELEVATION

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MORNINGSTAR STORAGE - HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA

16 OCTOBER 2023

WEST ELEVATION

oda.us.com | ODA ARCHITECTURE





MORNINGSTAR STORAGE - HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA

SOUTH ELEVATION

16 OCTOBER 2023

oda.us.com | ODA ARCHITECTURE





MORNINGSTAR STORAGE - HUNTERSVILLE
HUNTERSVILLE, NORTH CAROLINA

16 OCTOBER 2023

EAST ELEVATION



NEIGHBORHOOD MEETING REPORT
Applicant: Morningstar Properties, LLC
Rezoning Application No. R23-11

This Neighborhood Meeting Report is being filed with the Town of Huntersville Planning Department pursuant to the provisions of the Town of Huntersville Zoning Ordinance.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:

A representative of the Applicant mailed a written notice of the date, time and location of the Neighborhood Meeting to the individuals and organizations set out on **Exhibit A-1** attached hereto by depositing such notice in the U.S. mail on November 1, 2023. A copy of the written notice is attached hereto as **Exhibit A-2**.

DATE, TIME AND LOCATION OF MEETING:

The Neighborhood Meeting was held on Thursday, November 16, 2023 at 6:30 PM at the Dellwood Center located at 508 Dellwood Drive in Huntersville, NC.

PERSONS IN ATTENDANCE AT MEETING:

The Neighborhood Meeting was attended by those individuals identified on **Exhibit B** attached hereto. The Applicant's representatives at the Neighborhood Meeting were Marshall Macon and Kathryn Hennigan of the Applicant and John Carmichael of Robinson Bradshaw & Hinson, P.A.

SUMMARY OF ISSUES DISCUSSED:

John Carmichael welcomed the attendees to the Neighborhood Meeting and introduced himself and the Applicant's representatives. John Carmichael stated that this is the official Neighborhood Meeting relating to Rezoning Application No. R23-11. Morningstar Properties, LLC is the Applicant.

John Carmichael stated that the site subject to this Rezoning Application contains approximately 0.936 acres and is located on the east side of Old Statesville Road, just south of the intersection of Old Statesville Road and McCord Road.

John Carmichael stated that the Applicant is requesting that the site be rezoned from the HC zoning district to the Special Purpose-CD zoning district to accommodate a self-storage facility that would be located on the site and the adjacent parcel of land to the north of the site.

John Carmichael provided the current schedule of events relating to this rezoning request. He stated that the joint public hearing before the Town Board and the Planning Board will be held on Tuesday, January 2, 2024 at 6:00 PM at Town Hall located at 101 Huntersville-Concord Road. The Planning Board Meeting will be held on Tuesday, January 23, 2024 at 6:30 PM at Town Hall and the Town Board will make a decision on this rezoning request at its meeting on Monday, February 19, 2024 at 6:00 PM at Town Hall.

Marshall Macon then addressed the meeting. He stated that the Applicant's headquarters is located in Matthews, NC and the Applicant has owned and operated self-storage facilities since 1981. The Applicant is a long term owner of its facilities, so the Applicant develops and owns quality facilities that will last.

Marshall Macon shared and discussed an aerial photograph of the site and the surrounding parcels. Marshall Macon stated that the self-storage facility would be located on the site and the adjacent parcel to the north of the site. The adjacent parcel to the north of the site is zoned Special Purpose and a self-storage facility is allowed on the northern parcel under the current zoning of the northern parcel. The site is zoned HC, and a self-storage facility is not allowed in the HC zoning district. As a result, the Applicant is requesting that the site be rezoned to the Special Purpose-CD zoning district. The required buffer for the self-storage facility would be located on the site.

Marshall Macon shared and discussed the site plan. He stated that the climate controlled self-storage building would contain three stories and have a maximum height of 35 feet. He stated that there would be some drive-up self-storage units to the rear of the climate controlled self-storage building. Marshall Macon stated that they have been working with the Planning Staff on the site plan.

Marshall Macon stated that the Applicant would dedicate right of way to accommodate the future widening of Old Statesville Road by NCDOT, and a landscape buffer would be located along the self-storage facility's frontage on Old Statesville Road. A 10 foot wide sidewalk would also be located along the self-storage facility's frontage on Old Statesville Road. A small deceleration lane would be installed at the vehicular access point into the self-storage facility, and the vehicular access point would be restricted to right-in, right-out vehicular movements.

Marshall Macon stated that the site would be used for a 66 foot wide landscape buffer. Some of the existing trees on the site would remain.

An attendee stated that he hopes that they widen Old Statesville Road soon because he has difficulty getting out of his property onto Old Statesville Road.

In response to questions and concerns regarding traffic, Marshall Macon shared and discussed an exhibit regarding the vehicular trip generation for the self-storage facility. He stated that per the ITE trip generation table, the proposed self-storage facility would generate only 24 vehicular trips per 24 hour period. However, according to the Applicant's experience, this facility would generate approximately 15 vehicular trips per 24 hour period.

Marshall Macon shared the architectural renderings of the proposed climate controlled self-storage building. He stated that this facility would be a Class A facility with a lot of glazing, and brick would be located on the ground floor of the climate controlled self-storage building. Marshall Macon stated that the Applicant has built 25 to 30 of these facilities.

In response to a question, Marshall Macon stated that there would be approximately 670-700 units in the climate controlled self-storage building, and there would be two elevators serving this building. In response to a question, Marshall Macon stated that there would be two loading spaces for the climate controlled self-storage building.

In response to a question, Marshall Macon stated that the average unit size in the climate controlled self-storage building would be a little over 100 square feet. Marshall Macon stated that a facility such as this typically has a few box trucks per day come to the facility.

In response to a question, Marshall Macon stated that the rear area of the self-storage facility would be gated.

An attendee stated that his biggest concern is traffic. Marshall Macon reiterated the vehicular trip generation numbers for this facility.

In response to a question, Marshall Macon stated that the scale of the building has been a discussion point with the Planning Staff, and he reiterated that the climate controlled self-storage building would be a maximum of 35 feet in height.

In response to a question from an attendee, a representative of the Huntersville Planning Department stated that facilities such as the proposed facility can be built in other areas of Huntersville depending upon the zoning of the property. He also stated that this rezoning request is for the buffer for the proposed self-storage facility.

In response to a question, Marshall Macon stated that the Applicant would install a \$75,000 dollar security system on the site that includes cameras.

There were no other questions or comments.

Marshall Macon thanked the attendees for attending the meeting, and the meeting was adjourned.

Copies of the materials shared at the meeting are attached hereto as **Exhibit C**.

CHANGES MADE TO THE APPLICATION AS A RESULT OF THE NEIGHBORHOOD MEETING AS OF THE DATE HEREOF:

No changes have been made to the rezoning plan or to the Application as of the date of this Neighborhood Meeting Report solely as a result of the Neighborhood Meeting.

Respectfully submitted, this 20th day of November, 2023.



Kathryn Hennigan, Morningstar Properties, LLC

Exhibit A-1: Community Meeting Notice Mailing List

Community Meeting Notices

Project Name	Morningstar Storage Huntersville
--------------	----------------------------------

Pursuant to Huntersville Subdivision Ordinance 6.320.3 a list of all persons and organizations contacted about the meeting shall be submitted to the Planning Department and incorporated into the application for this project.

The following persons and organizations were sent notices of the community meeting (first and last name or business name only):

First and Last Name	Parcel ID	Date Sent	Method Sent	Reason Sent
84 PROPERTIES LLC	01101236	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
BENJAMIN ENTERPRISES LLC	01101212	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
MECKLENBURG COUNTY	00911119	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
DOVE	01101209	11/1/2023	US Mail	Property Owner (SO 6.320.3(a))
CHRIST COMMUNITY CHURCH	00911124	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
TRAVIS ADAMS INVESTMENTS LLC	01101210	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
BENCHMARK LAND LLC	00911101	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
BENCHMARK LAND LLC	01101205	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
ELLE PROPERTIES LLC	01101211	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
CHRIST COMMUNITY	00911126	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
DOVE	01101208	11/1/2023	US Mail	Property Owner (SO 6.320.3(a))
MCCORD DEVELOPMENT LLC	01102115A	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
MCCORD DEVELOPMENT LLC	01102115B	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
THOMAS CONCRETE OF CAROLINA INC	01102111	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
HOLSINGER	01102113	11/1/2023	US Mail	Within 250 ft of petitioned property (SO 6.320.3(b,c,d,e))
MONTEITH PARK		11/1/2023	US Mail	Neighborhood association, property owner association, and home
BELLAMOOR AT THE PARK		11/1/2023	US Mail	Neighborhood association, property owner association, and home
NORTHBROOK PROPERTY OWNERS	ASSOCIATION	11/1/2023	US Mail	Neighborhood association, property owner association, and home
MELINDA BALES		11/1/2023	US Mail	
STACY PHILLIPS		11/1/2023	US Mail	
DAN BOONE		11/1/2023	US Mail	
ROB KIDWELL		11/1/2023	US Mail	
AMBER KOVACS		11/1/2023	US Mail	
LANCE MUNGER		11/1/2023	US Mail	
DEREK PARTEE		11/1/2023	US Mail	
JEFF SNY		11/1/2023	US Mail	
FRANK GAMMON		11/1/2023	US Mail	
GREG BABER		11/1/2023	US Mail	
CHRISTOPHER BOYD		11/1/2023	US Mail	
LEE HALLMAN		11/1/2023	US Mail	
SCOTT HENSLEY		11/1/2023	US Mail	
JAY HENSON		11/1/2023	US Mail	
TRINA LOOMIS		11/1/2023	US Mail	
JODI WRIGHT		11/1/2023	US Mail	
JANET PIERSON		11/1/2023	US Mail	
ANTHONY ROBERTS		11/1/2023	US Mail	
BOBBY WILLIAMS		11/1/2023	US Mail	
JESSE JAMES		11/1/2023	US Mail	

Exhibit A-2: Neighborhood Meeting Notice

NOTICE TO INTERESTED PARTIES OF A NEIGHBORHOOD MEETING RELATING TO REZONING APPLICATION NO. R23-11

Subject: **Neighborhood Meeting** -- Rezoning Application No. R23-11 filed by Morningstar Properties, LLC requesting the rezoning of an approximately 0.936 acre site located at 16204 Old Statesville Road on the east side of Old Statesville Road, just south of the intersection of Old Statesville Road and McCord Road, (Tax Parcel No. 011-012-09) to accommodate the development of a self-storage facility on the site and the adjacent parcel of land to the north of the site.

Date and Time of Meeting: Thursday, November 16, 2023 at 6:30 PM

Location of Meeting: Dellwood Center
508 Dellwood Drive
Huntersville, NC 28078

Applicant: Morningstar Properties, LLC

Property Owners: James Steven Dove, Timothy John Dove and Kelley Elaine Dove and Nathan Preston Dove

Morningstar Properties, LLC (the “Applicant”) has filed a Rezoning Application with the Town of Huntersville requesting the rezoning of an approximately 0.936 acre site located at 16204 Old Statesville Road on the east side of Old Statesville Road, just south of the intersection of Old Statesville Road and McCord Road, (Tax Parcel No. 011-012-09) from the HC (Highway Commercial) zoning district to the SP –CD (Special Purpose) conditional zoning district. The purpose of this rezoning request is to accommodate the development of a self-storage facility on the site and the adjacent parcel of land to the north of the site. The Applicant will hold a Neighborhood Meeting prior to the Public Hearing on the Rezoning Application for the purpose of discussing this rezoning request and the proposed development with adjacent and nearby property owners and organizations.

Accordingly, on behalf of the Applicant, we give you notice that representatives of the Applicant will hold a Neighborhood Meeting on Thursday, November 16, 2023 at 6:30 PM at the Dellwood Center located at 508 Dellwood Drive in Huntersville. Representatives of the Applicant look forward to sharing the Applicant’s proposed development with you and to answering any questions you may have with respect to this matter.

In the meantime, should you have any questions or comments, please call or email Kathryn Hennigan at (704) 576-3563 or khennigan@mstarproperties.com.

Morningstar Properties, LLC

cc: Jesse James, The Town of Huntersville Planning Department (via email)

Date Mailed: November 1, 2023

Exhibit B: Meeting Attendees

Community Meeting Attendance Log

Project Name:	Morningstar Storage Huntersville
Location of Meeting:	Dellwood Center
Date:	11/16/2023
Time:	6:30PM

Pursuant to Huntersville Subdivision Ordinance 6.320.3 a report including a roster of persons in attendance at the community meeting shall be submitted to the Planning Department and incorporated into the application for this project.

For the record of attendance, please list your first and last name:

1	Joey Portnova	26	
2	Tim Dove	27	
3	Steve Dove	28	
4	Travis Adams	29	
5	John Jones	30	
6	Jesse James	31	
7	Tatiana Levi	32	
8		33	
9		34	
10		35	
11		36	
12		37	
13		38	
14		39	
15		40	
16		41	
17		42	
18		43	
19		44	
20		45	
21		46	
22		47	
23		48	
24		49	
25		50	

Exhibit C: Meeting Visuals



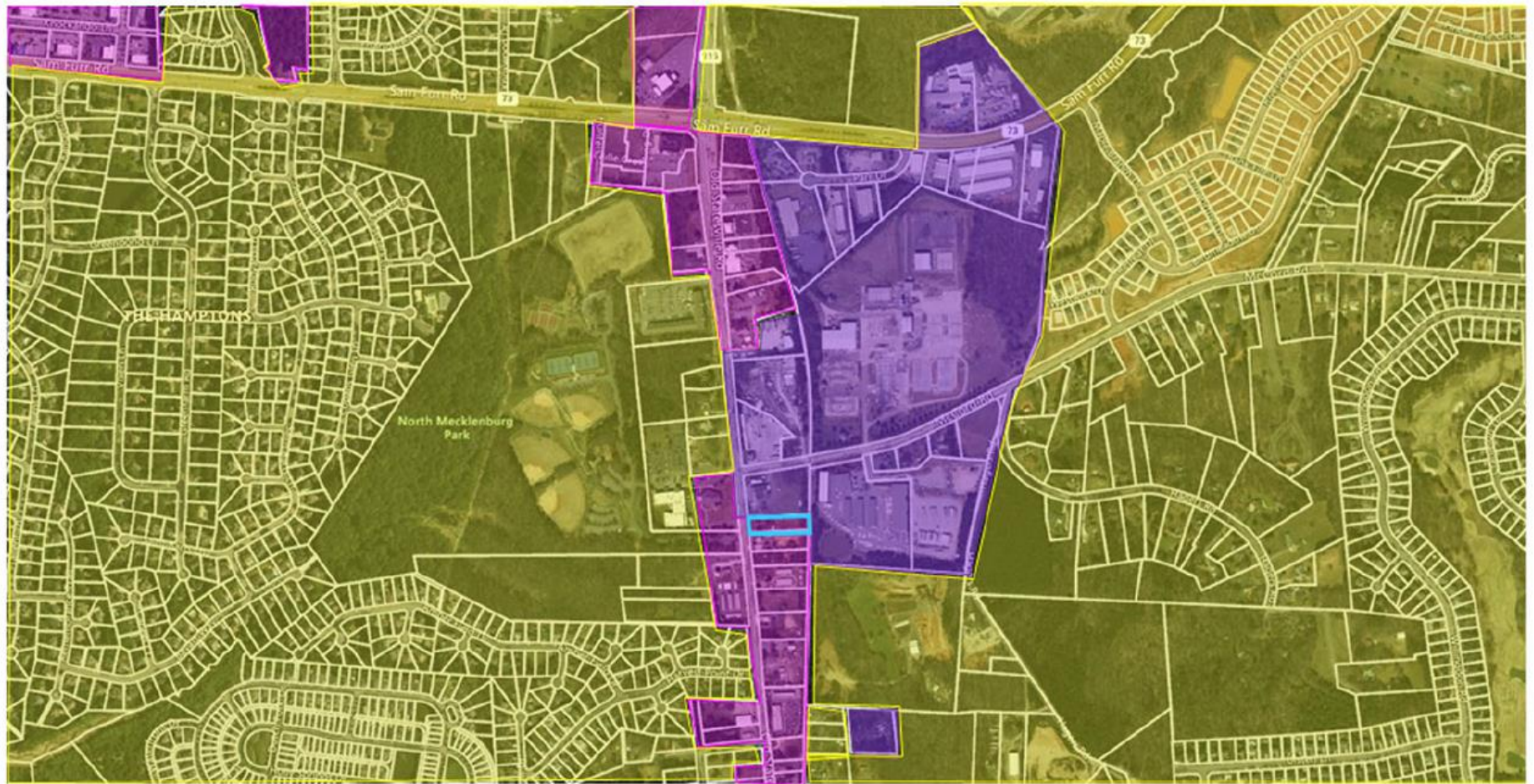
HUNTERSVILLE - ELEVATIONS



HUNTERSVILLE - RENDERING



HUNTERSVILLE - RENDERING



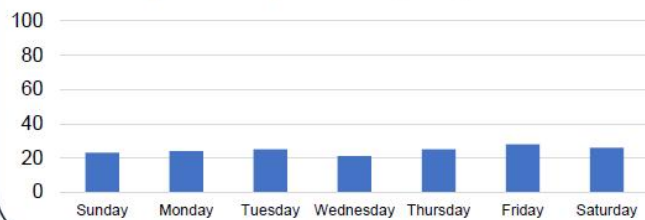
Residential
 Highway Commercial
 Special Purpose
 Subject Site



HUNTERSVILLE - ZONING LAND USE



Average Facility Visits by Day-of-Week



Average Total Facility
Visits Per 24 Hours **24**



morningstar
STORAGE

Morningstar Storage – Huntersville



Town Engineering Rezoning Comment Summary
R23-11 Morningstar Storage (EPM# 453340)
16230 Old Statesville Rd (PID 1101208)
Huntersville, NC 28078

General Project Information

The proposed rezoning is located at the corner of Old Statesville Rd (NC-115) and McCord Rd (SR-2427) and consists of a new storage facility. A driveway on NC115 and a driveway on McCord Road are currently proposed.

Engineering Staff Comments

Traffic Impact Analysis (TIA):

- 1) A TIA Determination (attached) was completed for the proposed development. Based on the proposed use and intensity, a TIA for the Town is not required as the trips anticipated are below the Town threshold.

Transportation and Stormwater:

- 1) Based on the concept plan developed by the Town in the fall of 2021 for the upcoming NC115 widening project between McCord Road and NC73, the proposed building does appear to be outside of the roadway widening anticipated.
- 2) Street tree locations are subject to change during the construction plan phase to meet requirements of the Town's Engineering Standards and Procedures Manual and NCDOT Planting Guidelines. Several proposed street tree locations shown on the plan set do not meet the requirements.
- 3) ADA compliant ramps are needed at the driveway on McCord Rd.
- 4) A permanent sidewalk easement is needed from ROW to minimum 1' from back of sidewalk along McCord Rd.
- 5) Post development flows for the southeastern drainage area of the site are not meeting pre-development requirements based on the conceptual calculations provided. Additional stormwater measures may be necessary to meet requirements.



Traffic Impact Analysis (TIA) Application for Determination of TIA Need

Article 14.2 of the Zoning Ordinance requires that a Traffic Impact Analysis (TIA) be performed for any residential subdivision, multifamily site plan, or non-residential development, or portion thereof, which is expected to create one hundred (150) or more peak hour vehicle trips or 1,500 or more daily trips.

In order to determine whether a TIA will be required for your proposed development, please fill out the form below and submit to the Planning Department. A "Determination of TIA Need" will be made within 10 working days.

Applicant: MSC Old Statesville, LLC

Project Name: Morningstar - Storage

Project Address: 16220 Old Statesville Road Huntersville, NC (Parcel ID 01101208)

Project Description (including square footage for each proposed land use):

Construction of approximately 100,000SF within a 33,000SF Building footprint on approximately 3 acres at the intersection of Old Statesville and McCord Roads

Applicant

Printed Name Kathryn Hennigan Phone 704-576-3563

☐ Corporation ☒ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature Kathryn Hennigan

Title Development Associate Email khennigan@mstarproperties.com

Contact Information

Town of Huntersville Engineering Department
(704) 766 - 2220

For Town Staff Use Only

Project File # _____

Date Submitted 4/14/23

Daily Trips Anticipated 145

Peak Hour Trips Anticipated AM 9 PM 15

TIA Required (Yes/No) No

Date of Determination: 4/18/23

Comments: Determination based on 100,000 square feet of mini warehouse self storage.

**Town of Huntersville
Town Board
January 2, 2024**

To: Town Board

From: Nathan Farber, Planner II

Date: January 2, 2024

Subject: Petition #TA23-06, Alternative Pavement Design Standards

EXPLAIN REQUEST:

Conduct a Public Hearing on Petition #TA23-06, a request by the Huntersville Planning Department to amend the Zoning Ordinance to comply with House Bill 488 regarding the North Carolina Residential Code, Alternative pavement design standards within developments, and update the threshold for requiring a GC license for construction work.

ACTION RECOMMENDED:

Conduct Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA23-06 PH Staff Report
2. 1. Text Amendment Application
3. 2. Proposed Ordinance
4. 3. HOAB Minutes

TA23-06 – State Statute Changes

PART 1: DESCRIPTION

TA23-06 is a text amendment request by the Town of Huntersville Planning Department to comply with House Bill 488 regarding changes to the North Carolina Residential Code, alternative pavement design standards within developments, and update the increased threshold for requiring a GC license for construction work to \$40,000.

PART 2: BACKGROUND

The Town attorneys drafted the proposed language in conjunction with Staff for the text amendment to the Town Zoning Ordinance. The proposed language is in response to the passing of House Bill 488 which amends:

1. 160D-702(b) by including three-family and four-family dwellings in the NC Residential Code. Previously only one-family and two-family dwellings were included in the NC Residential Code. Since three and four-family dwellings are no longer coded as commercial structures the town will no longer be able to subject these uses to architectural requirements as state statutes do not allow municipalities to regulate the architecture of residential-coded structures. Staff has proposed removing any references to “One and Two Family Dwellings” in order to comply with the changes.

The above changes will require the below Zoning Ordinance Articles to be amended:

- 3.2.1(d)(4)(a) Rural District
 - 3.2.2(d)(4)(a) Transitional Residential District
 - 3.2.4(d)(1)(e) Neighborhood Residential District
 - 3.2.5(d)(1)(d) Neighborhood Center District
 - 3.2.6(d)(4) Town Center District
 - 3.2.7(d)(1)(d) Highway Commercial District
 - 3.2.11(d)(1)(d) Traditional Neighborhood Development District
 - 3.2.13(d)(2)(c) Transit-Oriented Development-Residential District
 - 3.3.1(d)(1) Manufactured Home Overlay District
2. 160D-804(j) to provide alternative pavement design standards within developments. To ensure that the Zoning Ordinance aligns with this update Staff proposes to add the language “Notwithstanding the foregoing, nothing in this subsection shall be interpreted to conflict with N.C.G.S. § 160D-804(j)” to Article 8.14. These changes will not affect the way driveway permits are issued by the Town.
 3. 143-138(b5) and 143-138(b21)/160D-1110(c) in order to update the increased threshold for requiring a GC license for construction work to \$40,000. The update will change the threshold in the Zoning Ordinance from \$5,000 to \$40,000 to align with the statutes. These changes do not affect the town's process for permitting as the town does not issue permits, Mecklenburg County does. The language is required by state statutes and serves as a reference for anyone looking to get a permit through the county. These changes will occur to Article 11.1.3, Building Permit.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

- TA23-06 is consistent with all other policies of the Huntersville 2040 Community Plan as the amendment is necessary to comply with State Legislature.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment TA23-06 in order to comply with House Bill 488.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD-

On October 5, 2023, The Huntersville Ordinances Advisory Board (HOAB) recommended approval with a vote of (4-2-1) with a recommendation to review HB 488 and items pertaining to 160D-804(j) and ensure that the wording as written in the current ordinance applies and is in concurrence with the state statute. (See Attachment 3)

PART 6: PUBLIC HEARING

The Public Hearing is scheduled for January 2, 2024.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled for January 23, 2024.

PART 8: ATTACHMENTS

1. Text Amendment Application
2. Proposed Ordinance
3. HOAB Minutes

PART 9: STATEMENT OF CONSISTENCY – TA23-06

Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA23-06, Planning Staff recommends approval based on consistency with all policies of the Huntersville 2040 Community Plan and compliance with State Statutes It is reasonable and in the public interest to amend the Zoning Ordinance because it complies with the Huntersville 2040 Community Plan and State Statutes.	APPROVAL: In considering the proposed amendment TA23-06, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)	APPROVAL: In considering the proposed amendment TA23-06, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)
DENIAL: N/A	DENIAL: In considering the proposed amendment TA23-06, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.	DENIAL: In considering the proposed amendment TA23-06, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.

	It is not reasonable and in the public interest to amend the Zoning Ordinance because.... <i>(Explain)</i>	It is not reasonable and in the public interest to amend the Zoning Ordinance because.... <i>(Explain)</i>
--	--	--



Text Amendment Application

Date of Application 09/22/2023

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

☐ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): See Attached Article(s): See Attached Section(s): See Attached

Current Ordinance

See Attached

Proposed Text

See Attached

Reason for Proposed Change

To comply with State Statutes (HB 488)

Attach additional pages if needed.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Applicant

Printed Name Town of Huntersville Planning Department Staff

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature Jack Simoneau Date 09/22/2023

Title Planning Director Email jsimoneau@huntersville.org

Address of Applicant 105 Gilead, Floor 3

Property Owner (if different than applicant)

* Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

Contact Information

**Town of Huntersville
Planning Department**
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: _____

Staff Initials: _____

AN ORDINANCE TO AMEND ARTICLE 3, ARTICLE 8, AND ARTICLE 11

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville that Article 3, Section 3.2.1(d)(4)(a) Rural District, 3.2.2(d)(4)(a) Transitional Residential District, 3.2.4(d)(1)(e) Neighborhood Residential District, 3.2.5(d)(1)(d) Neighborhood Center District, 3.2.6(d)(4) Town Center District, 3.2.7(d)(1)(d) Highway Commercial District, 3.2.11(d)(1)(d) Traditional Neighborhood Development District, 3.2.13(d)(2)(c) Transit-Oriented Development-Residential District, and 3.3.1(d)(1) Manufactured Home Overlay District of the Zoning Ordinance is hereby amended by modifying as follows:

- Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code ~~for One- and Two-Family Dwellings~~.

Section 2. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 8.14, General Standards for Driveway Permitting, is hereby amended as follows:

8.14 General Standards For Driveway Permitting

1. No driveway or other point of access to a public street shall be constructed, relocated, or altered unless a driveway permit is obtained from the Town of Huntersville or the State of North Carolina, whichever jurisdiction applies. The applicant shall comply with the most restrictive standards. **Notwithstanding the foregoing, nothing in this subsection shall be interpreted to conflict with N.C.G.S. § 160D-804(j).**

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 11.1.3, Building Permit, is hereby amended as follows:

1. **Building Permit.** No development shall occur except pursuant to a building permit, when one is required. A building permit is generally required for the activities below. Other building activities may also require a permit.
 1. The addition, repair, or replacement of load bearing structures.
 2. The installation, extension, or general repair of any plumbing system or an addition or change in the design of plumbing.
 3. The addition, replacement, or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment.
 4. The addition (excluding replacement) of roofing.

5. The use of materials not permitted by the North Carolina State Building Code.
~~Commercial work of any value.~~
6. Work on single-family ~~residential~~ residence, ~~or~~ farm buildings, or commercial buildings exceeding ~~\$5,000~~ 40,000.
7. The following work, even if not in excess of ~~\$5,000~~ 40,000:
 - construction of deck, fireplace, pier, or storage building;
 - installation or replacement of insulation, wood stove, or hot water heater;
 - moving a building;
 - demolition of a building.

Section 4. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: 10/5/2023

PUBLIC HEARING DATE: 1/2/2024

PLANNING BOARD MEETING: 1/23/2024

TOWN BOARD DECISION: 2/19/2024

AN ORDINANCE TO AMEND ARTICLE 3, ARTICLE 8, AND ARTICLE 11

Section 1. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville that Article 3, Section 3.2.1(d)(4)(a) Rural District, 3.2.2(d)(4)(a) Transitional Residential District, 3.2.4(d)(1)(e) Neighborhood Residential District, 3.2.5(d)(1)(d) Neighborhood Center District, 3.2.6(d)(4) Town Center District, 3.2.7(d)(1)(d) Highway Commercial District, 3.2.11(d)(1)(d) Traditional Neighborhood Development District, 3.2.13(d)(2)(c) Transit-Oriented Development-Residential District, and 3.3.1(d)(1) Manufactured Home Overlay District of the Zoning Ordinance is hereby amended by modifying as follows:

- Nothing in this subsection shall be interpreted to conflict with the building design element provisions as found in N.C.G.S. 160D-702(b) for structures subject to the North Carolina Residential Code ~~for One- and Two-Family Dwellings~~.

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1. No driveway or other point of access to a public street shall be constructed, relocated, or altered unless a driveway permit is obtained from the Town of Huntersville or the State of North Carolina, whichever jurisdiction applies. The applicant shall comply with the most restrictive standards. **Notwithstanding the foregoing, nothing in this subsection shall be interpreted to conflict with N.C.G.S. § 160D-804(j).**

Section 3. BE IT ORDAINED by the Board of Commissioners of the Town of Huntersville, North Carolina, that Article 11.1.3, Building Permit, is hereby amended as follows:

1. **Building Permit.** No development shall occur except pursuant to a building permit, when one is required. A building permit is generally required for the activities below. Other building activities may also require a permit.
 1. The addition, repair, or replacement of load bearing structures.
 2. The installation, extension, or general repair of any plumbing system or an addition or change in the design of plumbing.
 3. The addition, replacement, or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment.
 4. The addition (excluding replacement) of roofing.

5. The use of materials not permitted by the North Carolina State Building Code.
~~Commercial work of any value.~~
6. Work on single-family ~~residential~~ residence, ~~or~~ farm buildings, or commercial buildings exceeding ~~\$5,000~~ 40,000.
7. The following work, even if not in excess of ~~\$5,000~~ 40,000:
 - construction of deck, fireplace, pier, or storage building;
 - installation or replacement of insulation, wood stove, or hot water heater;
 - moving a building;
 - demolition of a building.

Section 4. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: 10/5/2023

PUBLIC HEARING DATE: 1/2/2024

PLANNING BOARD MEETING: 1/23/2024

TOWN BOARD DECISION: 2/19/2024

Minutes of the Town of Huntersville Ordinance Advisory Board

The Town of Huntersville Ordinance Advisory Board met in person at 3:30 p.m. on Thursday, October 5, 2023.

Call to Order/Roll Call

Chairwoman Hallman called the meeting to order at 3:30 pm.

Voting Members Present: A. Hallman, K. Jones, M. Jones, S. Harrington, M. Pollard, and F. Gammon

Voting Members Absent: J. Palillo, J. Kluttz, H. Whittaker

Non-Voting Members Present: Commissioner Kovacs, J. Simoneau, T. Barron, E. Sloop, and J. Glass

Non-Voting Members Absent: None

Approval of Minutes

Item 2A. Consider approval of the July 6, 2023, Regular Meeting Minutes

Motion: S. Harrington made a Motion to Approve the July 6, 2023, regular meeting minutes. K. Jones seconded the motion.

Vote: The motion passed unanimously (6-0).

Public Comments

None

Chairwoman Hallman commented to the Board regarding the importance of having their opinion for or against an item noted for the record so that the Planning Board and Town Board can benefit from understanding what caused someone to vote as they did.

Action Agenda

4A. Consider a recommendation on petition #TA23-06, a request by the Huntersville Planning Department for a text amendment to Article 3, Section 3.2.1(d)(4)(a), 3.2.2(d)(4)(a), 3.2.4(d)(1)(e), 3.2.5(d)(1)(d), 3.2.6(d)(4), 3.2.7(d)(1)(d), 3.2.11(d)(1)(d), 3.2.13(d)(2)(c), 3.3.1(d)(1), Article 8.14, and Article 11.1.3 to bring the text into compliance with HB 488.

N. Farber, Planner II reviewed the proposed text amendment.

M. Jones stated that to his understanding the ordinance appears to state that we can impose the most restrictive standards which appears to be more stringent than the statute 160D-804(j). Staff responded that the intention is not to be in conflict. E. Sloop responded that the majority of the design standards are not addressed in the ordinance they are in manuals that are

maintained by engineering staff. This caveat is there if needed and the manuals will be updated if needed.

M. Pollard asked what the manuals are and if they are legally enforceable. Staff responded that engineering manuals are adopted policy and outline all of the specific engineering guidelines that must be followed in developing a project.

S. Harrington asked staff to confirm if in Article 3 the \$40,000 should be underlined. Staff confirmed that is correct.

M. Jones commented that the \$40,000 has adjusted numerous times between \$5,000 and \$40,000 and asked going forward what the policy is to stay on top of legislative changes so that the Town updates are more timely and we are not missing changes like this in the future. Staff responded that the Legal department advises the Planning department of changes. Now with the Town having two attorneys and their proactive assistance in this area we will continue to bring forth changes as they occur.

F. Gammon asked staff to confirm against NCGS 160D if a building permit is needed to replace a hot water heater. M. Jones read from NCGS 160D and confirmed that a building permit for residential is not needed. M. Jones then requested that staff revisit this text amendment to ensure that it is accurate.

Motion: M. Jones made a Motion to Table TA23-06 in coordination with the bill and ensure that the text amendment complies fully with the NC legislature bill that has been passed. K. Jones seconded the motion.

F. Gammon commented that he does not want to defer the amendment but agrees that staff should review it and move it forward to the Planning Board with any necessary corrections.

Commissioner Kovacs commented that she is in support of the comments made and if this Board does not feel comfortable tabling the item that the Town Board would likely table if the answers are not available when presented to them.

S. Harrington asked if it is possible to reword the motion to approve everything except the water heater statement so the balance of the items could move forward. M. Jones responded that he is welcome to make a substitute motion as he would like staff to look at the driveway design standards in addition to the hot water heater item.

Vote: The motion passed (4-2) with A. Hallman and F. Gammon opposed.

4B. Consider a recommendation in #TA23-07, a request by the Huntersville Planning Department for a text amendment to Article 12, Section 12.2.1 "Interconnected" to clean up definition.

P. Patterson, Planner I reviewed the proposed text amendment.

Motion: M. Pollard made a Motion to recommend Approval of TA23-07. M. Jones seconded the motion.

Vote: The motion passed unanimously (6-0).

Other Business

5A. Discuss possible changes to the Zoning Ordinance related to Breezeways and Accessory Structures.

N. Farber, Planner II reviewed the item for discussion and stated that staff would like to bring this forward as a future text amendment. Staff reviewed what the Zoning Ordinance currently allows detached accessory structures square footage not exceeding the primary structure first floor heated area square footage. Accessory dwelling units (ADU) may not exceed 650 square feet or 50% of the first-floor area of principle dwelling, whichever is greater. Either structure must be placed in the rear yard. ADU's may also be combined with a detached garage so you could have a first floor 1,500 square foot detached garage with a 500 square foot ADU on the second story.

Staff then reviewed the definition of breezeway and staff's interpretation in the past to allow a fully enclosed breezeway to be attached to a detached structure rendering it an attached structure which removes the limitations of the square footage. Staff indicated that current requests appear to be using this method to subvert the ordinance. Staff provided examples of requests which appear to be to allow structures to be placed in the front or side yard, or an excessively long breezeway.

Staff stated that there are approximately 40 municipalities in North Carolina with language included in their zoning ordinances addressing this issue. Examples were provided to reflect that connection by breezeway shall not deem the structures one building. Other examples provided reflect maximums of building sizes and maximums of height and length of breezeways.

Staff recommends that we consider amending the definition of building and/or breezeway within the Zoning Ordinance and potentially limiting the length of a breezeway to 15 feet.

F. Gammon asked why the breezeway should be limited to 15 feet when it could be utilized in the right place for the right reason and require more than 15 feet. Staff responded the recommendation would be to eliminate the abuse of the breezeway possibly by creating a length. F. Gammon responded that a specific measurement may only be appropriate to specific zoning.

F. Gammon then asked if staff knows what the purpose of the large structures are that people are building. Staff responded that businesses are not allowed so they are for storage.

M. Pollard asked staff to research and provide quantities on how many applicants a 15-foot breezeway would have affected and how frequently staff is seeing these requests. Staff responded that it should be noted that applicants are not initially requesting breezeways when they are requesting to add an accessory structure or accessory dwelling unit, applicants are simply seeing this as a way to gain approval on the size of structure or location of the structure that they want to build. Staff stated there is no method to provide quantifiable data on these requests its simply something staff knows we frequently deal with.

M. Jones commented that if a breezeway, which creates more impervious area, is necessary for someone to build a structure then it seems like something is wrong with our zoning ordinance. Staff responded that if the Board desires to look at allowing a larger accessory structure or accessory dwelling unit in certain zoning districts then that could be taken separately. The current issue staff is facing is how to be fair and not subjective in determining at what point a breezeway length should not be allowed when an applicant is proposing 70-feet. M. Jones commented that he can imagine scenarios where someone buys a large lot with an older home and does not understand that they own this land and cannot do what they want. Also, if several people are subverting the rules, then it also leads one to look at the rules and determine if they are still practical to current needs.

F. Gammon asked if staff considered special use permits for larger structures. Staff stated they had not but they would take that under advisement. Commissioner Kovacs commented she would be in support of special use permits as an option.

Staff responded that defining what a breezeway is or permits would assist staff with providing a consistent interpretation regardless of the proposed building size or location.

F. Gammon commented that he would like to see some flexibility based on lot size and zoning district or permitted uses versus a one size fits all ordinance.

M. Jones commented that a multiple of large lot size with a cut off for smaller lots could create a greater amount of flexibility.

M. Pollard agreed with F. Gammon's comments that purpose would be a good area to focus on so that the rules could more effectively address the uses. Staff responded that accessory structures are not permitted to be businesses so they can only be used for some type of storage. A. Hallman agreed with M. Pollard's comment that this would be valuable to be sure that one is for storage, garage, or barn versus a mother-in-law suite.

S. Harrington revisited that this may be two separate issues, one to define breezeways to not treat the structures as one building and a second to address what use, and size is permitted for an accessory structure.

Commissioner Kovacs asked what the rationale was for using 50% of the first-floor heated area was to determine the footprint for the accessory dwelling unit. She then provided the scenario

that a 2-story home on 5 acres with 1,000 square foot first floor would be allowed to build the maximum of 650 square feet ADU versus a 2,000 square foot ranch home on 1-acre that would be allowed to build 1,000 square feet ADU. The factor of the lot size and that the homes are equal in square footage is not considered. She recommended staff review that in their consideration of ADU's.

E. Sloop commented that she may be able to clear up some information raised on Item TA23-06 that would allow the Board not to have to meet the following month. She then reviewed Section 3 of the proposed changes and highlighted that the wording states "when one is required, and generally required" which allows staff not to place the wordy exclusions that are applicable to this and instead know that the County will not require a building permit where one is not required. The specific language from NCGS 160D-110(a)(2) is specific to residential one and two dwellings and does not need to be detailed within the zoning ordinance.

M. Jones commented that subsection 7 of the proposed ordinance implies a building permit would be necessary. E. Sloop responded that if you read the beginning it puts the context that it is generally require and when one is required, therefore legally it is not viewed as a conflict.

A. Hallman asked if the average homeowner would be confused by this. E. Sloop stated that generally the zoning ordinance here is reviewed by contractors completing new construction, so she does not see this as being misunderstood by a homeowner. Additionally, the County is the only issuing authority for building permits and they are not going to require a building permit for something when it is not legally required. The County's website and documentation provides much more detail available for the homeowner as they are the issuing authority.

E. Sloop commented that if anyone on the Board would like to reconsider to recommend approval on these simple statutory housekeeping items then the Board will not have to reconvene in November for the one item.

F. Gammon commented that he is not opposed to moving it forward, but he would like staff to still review the wording to see if it could be improved and clarified.

M. Jones commented the request was also in place for staff to review NCGS 160D-804(j). E. Sloop responded that the Ordinance does not address the design standards, they are all within the Engineering Manual because they are very technical, and the goal is to not make the Ordinances more convoluted. If the Engineering Manual needs to be updated it will.

Motion: F. Gammon made a Motion to Reconsider the previous motion on TA23-06. S. Harrington seconded the motion.

M. Jones commented that he believes that there are technical problems with what staff has presented and he believes staff should re-review of the legislation to make the Ordinance compliant with the relevant legislation.

Vote: The motion passed (5-1) with M. Jones opposed.

Motion: F. Gammon made Motion to recommend Approval of TA23-06 with the caveat that Planning and Legal department review HB488 and items pertaining to 160D-804(j) and ensure that the wording as written in the current ordinance applies and in concurrence with the state statute. S. Harrington seconded the motion.

M. Pollard requested that a timeline for when the item will be presented to the HOAB be included. E. Sloop clarified that approval would move the item forward and that staff can make the research available to the Board but the item itself would not return for consideration to the Board.

Vote: the motion passed (4-2-1) with M. Jones opposed and M. Pollard abstaining.

Adjourn

Motion: F. Gammon made a Motion to Adjourn. K. Jones seconded the motion.

Vote: The motion passed unanimously (6-0).

Approved this ____ day of _____ 2023.

Chair or Vice Chair

Board Secretary

**Town of Huntersville
Town Board
January 2, 2024**

To: Town Board

From: Patrick Patterson, Planner I

Date: January 2, 2024

Subject: Petition #TA23-07, "Interconnected" Definition

EXPLAIN REQUEST:

Conduct a public hearing on Petition #TA23-07, a request by the Huntersville Planning Department for a text amendment to the Zoning Ordinance to amend Article 12, Section 12.2.1. "Interconnected" to revise the definition.

ACTION RECOMMENDED:

Conduct a Public Hearing

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

1. TA23-07 Staff Report
2. Attachment 1 (Application)
3. Attachment 2 (Proposed Ordinance)
4. Attachment 3 (TA23-07 2018 Removed Images)

TA23-07 – Definition Clean-Up

PART 1: DESCRIPTION

TA23-07 is a text amendment request by the Town of Huntersville Planning Department to amend Zoning Ordinance Article 12.2.1 “Definitions, Interconnected”. Staff is proposing changes to the definition of “Interconnected” in Article 12.2.1 as the definition contains information that is no longer relevant.

PART 2: BACKGROUND

In 2018 several images of streets in our Zoning Ordinance were removed because of the adoption of the Engineering Standards and Procedures Manual.

In the definition section of our zoning ordinance, the definition of “Interconnected” states; “Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear. See illustrations, Article 5, Streets”.

The images referenced in the definition were removed, making the reference irrelevant. This proposed ordinance change is looking to remove the irrelevant text (See illustrations, Article 5, Streets) that refer to those removed images.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2040 COMMUNITY PLAN

N/A

PART 4: STAFF RECOMMENDATION

Staff recommends approval of the proposed text amendment TA23-07 to provide clarification of the contents of the Zoning Ordinance.

PART 5: HUNTERSVILLE ORDINANCE ADVISORY BOARD-

On October 5th, 2023, The Huntersville Ordinances Advisory Board (HOAB) recommended approval with a vote of 6-0 with a recommendation to remove the reference to

PART 6: PUBLIC HEARING

The Public Hearing will occur on January 2nd, 2024.

PART 7: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled for January 23, 2024

PART 8: ATTACHMENTS

1. Text Amendment Application
2. Proposed Ordinance
3. Removed Images from 2018

PART 9: STATEMENT OF CONSISTENCY – TA23-07		
Planning Department	Planning Board	Board of Commissioners
APPROVAL: In considering the proposed amendment TA23-07, Planning Staff recommends approval to provide clarification. It is reasonable and in the public interest to amend the Zoning Ordinance because it will provide further clarification to the language.	APPROVAL: In considering the proposed amendment TA23-07, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i>	APPROVAL: In considering the proposed amendment TA23-07, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u> It is reasonable and in the public interest to amend the Zoning Ordinance because...<i>(Explain)</i>
DENIAL: N/A	DENIAL: In considering the proposed amendment TA23-07, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i>	DENIAL: In considering the proposed amendment TA23-07, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>. It is not reasonable and in the public interest to amend the Zoning Ordinance because....<i>(Explain)</i>



Text Amendment Application

Date of Application 9/22/2023

Fee

See Current Town of Huntersville Fee Schedule for Text Amendment to the Zoning/Subdivision Ordinance

Type of Change

____ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☒ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change

Proposed text amendment will affect the following:

Ordinance(s): **Zoning Ordinance** Article(s): **12** Section(s): **2.1**

Current Ordinance

Interconnected. Refers to streets which provide through access to other-
streets; interconnected street systems may be either rectilinear or curvilinear.
See illustrations, Article 5, Streets

Proposed Text

Interconnected. Refers to streets which provide through access to other-
streets; interconnected street systems may be either rectilinear or curvilinear.

Reason for Proposed Change

The portion "See Illustrations, Article 5, Streets" is no longer applicable as
Illustrations of streets was removed in 2019.

Attach additional pages if needed.

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Applicant

Printed Name- Town of Huntersville Planning Staff

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature Jack Simoneau Date 9/22/2023

Title Planning Director Email jsimoneau@huntersville.org

Address of Applicant 105 Gilead Rd, Huntersville, NC 28078

Property Owner (if different than applicant)

* Printed Name _____

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership ☐ Other: _____

Signature _____ Date _____

Title _____ Email _____

Address of Property Owner _____

* Property owner hereby grants permission to the Town of Huntersville personnel to enter the subject property for any purpose required in processing this application.

Every owner of each parcel included in this application, or the owner (s) duly authorized agent, must sign this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION. **If additional space is needed for signatures, attach the Town of Huntersville Signature Addendum Form.**

Contact Information

**Town of Huntersville
Planning Department**
PO Box 664
Huntersville, NC 28070

Phone: 704-875-7000
Fax: 704-875-6546
Physical Address: 105 Gilead Road, Third Floor, Huntersville, NC 28078
Website: <https://www.huntersville.org/228/Planning-Department>

Date Received By Planning Department: _____

Staff Initials: _____

AN ORDINANCE TO AMEND ARTICLE 12, Section 12.2.1

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that Article 12, Section 12.2.1 of the Zoning Ordinance is hereby amended by modifying Article 12, Section 12.2.1 “Interconnected” as follows:

Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear. ~~See illustrations, Article 5, Streets.~~

Section 2. This ordinance shall become effective upon adoption.

HUNTERSVILLE ORDINANCE ADVISORY BOARD: 10/05/2023

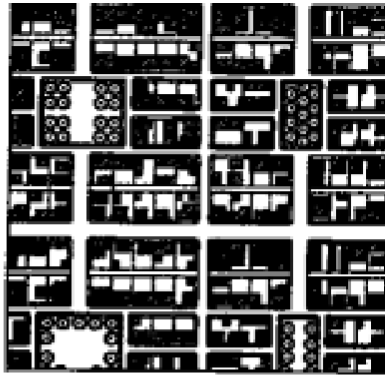
PUBLIC HEARING DATE: TBD

PLANNING BOARD MEETING: TBD

TOWN BOARD DECISION: TBD

Orthogonal Grid

Savannah, GA.



Advantages

- Excellent directional orientation.
- Clear spatial definition
- Lot variety controlability
- Street hierarchy with end blocks for through traffic
- Even dispersal of traffic through grid
- Alleys for efficient double loading of service and for utilities location

Disadvantages

- Monotonous unless periodically interrupted
- Does not accommodate environmental interruptions
- Unresponsive to steep or special terrain

Organic Network

Nantucket



Advantages

- Street hierarchy with main routes for through traffic
- Even dispersal of local traffic throughout network
- Responsive to terrain
- Responsive to environmental conditions
- Small scale suited to pedestrians

Disadvantages

- Variety of blocks and lots that do not conform to any overall plan

Diagonal Network

Mariemont, OH.



Advantages

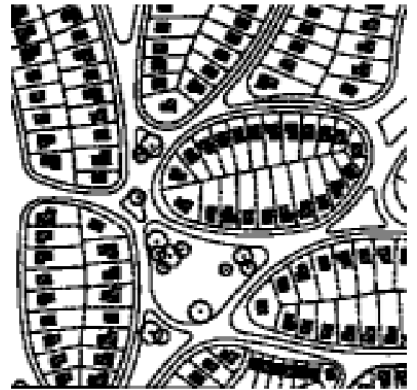
- Street hierarchy with diagonals for through traffic.
- Diagonals can respond to terrain
- Creates focal points at intersections
- Clear spatial definition

Disadvantages

- Some awkward block shapes at intersections of diagonals and regular grid

Curvilinear Network

Riverside, IL.



Advantages

- Avoids monotony by deflecting views
- Highly responsive to terrain
- Even dispersal of traffic through the network

Disadvantages

- Little directional orientation
- Uncontrollable variety of lots
- No natural hierarchy of street
- Lack of spatial definition

**Town of Huntersville
Town Board
January 2, 2024**

To: Town Board

From: Stephen Trott, Director of Engineering

Date: January 2, 2024

Subject: Resolution for Church St - Holbrooks to Dellwood Project

EXPLAIN REQUEST:

Resolution to acquire right of way and/or easements for the construction of the Church St - Holbrooks to Dellwood project. The project scope includes constructing a new street, one lane in each direction, (Church Street) with curb and gutter adjacent to the railroad between Holbrooks Road and Dellwood Drive. A multi-use path on the east side of the street is also included.

ACTION RECOMMENDED:

Approval

FINANCIAL IMPLICATIONS:

General Fund

ATTACHMENTS:

1. R-2024-02 Resolution - Church St-Holbrooks to Dellwood



**RESOLUTION OF THE TOWN OF HUNTERSVILLE BOARD OF COMMISSIONERS TO ACQUIRE
RIGHT OF WAY AND EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE CHURCH ST-
HOLBROOKS TO DELLWOOD PROJECT**

WHEREAS, the Town of Huntersville (the “Town”) has determined that the acquisition of fee title right of way, and/or easements is necessary to the delivery of the Church St-Holbrooks to Dellwood Project; and

WHEREAS, the Town finds that such title, rights-of-way, and easements, including existing public rights-of-way and easements, are for a public use and necessary for the construction of the Church St-Holbrooks to Dellwood Project; and

WHEREAS, the statutory powers of the Town include the power to acquire real property (N.C.G.S. §160A-11 and §160A-240.1), including the power of eminent domain (N.C.G.S. Chapter 40); and

WHEREAS, to meet said defined project delivery schedule, property acquisition process should begin no later than January 2024; and

WHEREAS, the Town’s proposed property acquisition process for the Church St-Holbrooks to Dellwood Project will comply with applicable federal and state requirements; and

WHEREAS, the Town has certified that the parcels (“the Property”), represented on Exhibit A, are needed for the Church St-Holbrooks to Dellwood Project.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF HUNTERSVILLE BOARD OF
COMMISSIONERS (the “Town Board”) AS FOLLOWS:**

1. The Town Board approves and authorizes the acquisition of the necessary fee title, rights-of-way, and/or easements affecting the parcels described on Exhibit A at a price not to exceed that determined by the appraisals described in the Proposal for Real Estate Acquisition Services by a Professional Property Acquisition Firm and permitted Administrative Adjustments for Right-of-Way Acquisition. No further action is required by this Board to authorize the acquisition.
2. In the event any of the parcels or interest in Exhibit A cannot be acquired by negotiations at the price authorized above, the Town Manager, through counsel, may institute and pursue acquisition by the process of Eminent Domain according to the procedures contained in Chapter 40A, including but not limited to, giving notice of intent to the property owner, executing and filing a complaint and declaration of

taking and depositing the necessary appraised value amount with the Clerk of Superior Court of Mecklenburg County.

3. The Town Board hereby authorized the Town Manager, acting on advice of counsel, to take any actions necessary to carry out the provisions of this Resolution; and
4. This Resolution shall be effective as of the date its adoption.

Adopted this 2nd day of January, 2024.

ATTEST:

TOWN OF HUNTERSVILLE

Town Clerk

Town Mayor

APPROVED AS TO FORM:

Town Attorney

EXHIBIT A - PARCEL INDEX
Church St-Holbrooks to Dellwood Project

PARCEL #	PARCEL ID #	PROPERTY OWNER NAME
1	019-073-12	Sarah Bell Young
2	019-074-34	Sarah Bell Young
3	019-074-03	Sarah Bell Young
4	019-074-01	Huntersville AME Zion Church
5	019-073-11	Huntersville AME Zion Church
6	019-074-26	Valea Bowman LLC
7	019-071-18	Presbyterian Church Huntersville
8	019-074-05	Iretha Houston

**Town of Huntersville
Town Board
January 2, 2024**

To: Town Board

From: Emily Sloop, Town Attorney

Date: January 2, 2024

Subject: Fire Department Operating and Services Agreement Update

EXPLAIN REQUEST:

In order to carry out the transition for fire services from contracted services to “in-house” services, the Town must update the current Operating and Services Agreement to set forth the terms for the transition and to indicate the time frame for moving from an OSA to a pure service agreement for supplemental services. This revised OSA sets forth those updates.

ACTION RECOMMENDED:

Approval

FINANCIAL IMPLICATIONS:

ATTACHMENTS:

1. Huntersville Fire Department - Operating and Services Agreement Edited 2023

OPERATING AND SERVICES AGREEMENT FOR FIRE PROTECTION SERVICES

This Operating and Services Agreement ("Agreement") is made effective as of the ____ day of _____, 2024~~2~~, (the "Effective Date") by and between the Town of Huntersville, North Carolina, a North Carolina Municipal Corporation (hereafter "Town") and Huntersville Fire Department, Inc. (hereafter "Fire Department"), formerly Huntersville Volunteer Fire Department, Inc., collectively the "Parties."

RECITALS

1. Town is a municipal corporation organized under the laws of the State of North Carolina, with authority to provide essential services, including fire protection services, to its citizens.
2. The Fire Department is a North Carolina nonprofit corporation consisting of members and employees who provide fire protection and other emergency services. It was established pursuant to Articles of Merger filed with the North Carolina Secretary of State on April 1, 2010, whereby Gilead Volunteer Fire and Rescue Department (hereafter "Gilead") was merged into Huntersville Volunteer Fire Department, Inc. resulting in a surviving nonprofit corporation renamed Huntersville Fire Department, Inc.
3. North Carolina General Statutes § 69-25.6 provides that a Municipal Corporation may provide for all, or part, of the fire protection services in a fire protection district by contracting with any incorporated nonprofit ~~volunteer or community~~ fire department.
4. Town and Fire Department previously entered into an Operating and Services Agreement, dated as of May 26, 1995 relating to the Fire Department's provision of fire protection services to the Town and Fire Department's use of Town-owned fire stations. Town and Fire Department have entered into subsequent agreements for fire protection services, and the current agreement is dated ~~-August 15~~October 15, 20~~22~~17 ~~terminates as of October 15, 2022~~. The Town-owned fire stations are designated as Huntersville Fire Stations #s 1, 3, and 4 ("Town-owned Fire Stations").¹ The Town-owned Fire Stations were financed in part with tax-exempt general obligation bonds issued by the Town.

¹ Fire Station 1 is located at 110 S Old Statesville Road Huntersville, NC. Fire Station 3 is located at 13423 Eastfield Road Huntersville, NC. Fire Station 4 is located at 8826 McIlwaine Road Huntersville, NC.

5. The fire station owned and operated by Gilead prior to the April 2010 merger continues to be owned by the surviving Fire Department and is designated as Huntersville Fire Station # 2.²

6. It is contemplated that Town may construct future Town-owned fire stations, as additional fire stations or as a replacement for existing fire stations, particularly to replace Huntersville Fire Station # 2 and to construct Huntersville Fire Station # 5.³

7. Revenue procedures issued by the Internal Revenue Service, specifically Revenue Procedure 93-19, dictate the standards by which management or service contracts with non-governmental service providers will not be treated as a private business use of a facility causing tax-exempt government bonds to be converted to taxable, private use bonds. It is the intent that this Agreement at all times be construed to comply with the provisions of Revenue Procedure 93-19 and any subsequent, related revenue procedures.

8. Town provides substantial funding to Fire Department to provide fire protection services within the Town. Beginning Fiscal Year 2012-2013, rather than making direct funding payments to the various fire departments serving unincorporated areas, Mecklenburg County ("County") established fire service districts and levies property taxes within the unincorporated areas of those districts. The Huntersville Fire Service District ("District") is generally within the Town's extra-territorial or sphere of influence area.

9. By an Inter-local Cooperation Agreement dated July 1, 2012, a copy of the most recent version dated July 1, 2023~~4~~ of which is attached hereto as Exhibit A ("County Agreement"), County and Town agreed that Town will provide fire protection and emergency services within the District, which it may do by establishing and maintaining a municipal fire department and/or contracting with Fire Department, and that the tax so levied in the District shall be payable to the Town for the sole purpose of providing fire and emergency services within the District.

10. The Town now desires to establish and maintain a municipal fire department to be known as "Huntersville Fire Department." The municipal fire department shall be staffed by full and part-time municipal firefighters employed by the Town, including a municipal fire chief, for the provision of fire protection and emergency services to the Town and District.

² Fire Station 2 is located at 5600 Beatties Ford Rd, Huntersville, NC.

³ As of the date of this Agreement, the Town intends to construct Huntersville Fire Station #5 on Town-owned property located at 13409 Ramah Church Road Huntersville, NC.

11. On December 4, 2023, the Town of Huntersville Board of Commissioners (“Town Board”) approved the initial budget amendment necessary to establish the Town’s municipal fire department, which funded eighteen (18) full-time, municipal firefighter positions and a municipal fire chief position.

12. The Parties acknowledge that the Fire Department has been notified of the Town’s intent to establish and maintain a municipal fire department.

13. Town and Fire Department wish to enter into this Agreement for the purpose of providing the terms by which ~~Fire Department shall: 1) the current Operating and Services Agreement dated August 15, 2022 shall be amended; 2) Fire Department shall provide fire protection and emergency services to the Town and District during the term of this Agreement as defined herein and utilize the Town-owned fire stations to provide such services; and 3) Fire Department shall voluntarily dissolve Huntersville Fire Department, Inc. in accordance with applicable laws, rules, and regulations after the establishment of the Town’s municipal fire department.~~

Commented [ES1]: Would be after the end of the Supplemental Services Contract

AGREEMENT

1. **Services.** Pursuant to the terms of this Agreement, and for the duration set forth herein, Fire Department will provide fire protection and emergency services as the primary provider to the Town as it presently exists, or as the city limits may be extended from time to time, and to the District (except such unincorporated areas of the District that may presently be served by other departments, so long as that other service continues). The Fire Department shall furnish said services to all persons and property located in the Town and the District in an efficient and workmanlike manner.
2. **Term.** ~~Theis term of this~~ Agreement shall be for ~~thea~~ period beginning on the date of execution of this Agreement and ending 30 days from the Fire Department’s receipt of written notice that Town has established a municipal fire department by employing a municipal fire chief and at least eighteen (18) full-time municipal fire firefighters of five (5) years, beginning on the Effective Date. ~~There shall be no without an~~ option to renew this Agreement on the part of either party. However, the Parties may mutually agree to renew the Agreement pursuant to Clause 19 of this Agreement. The Parties also acknowledge that, on or before the expiration or termination of this Agreement, and without lapse in the provision of fire protection services by Fire Department, it is contemplated that the Parties will enter a service contract for Fire Department’s provision of supplemental fire protection services to supplement the fire protection services to be provided by the Town’s municipal fire department (the “Supplemental Services Contract”). ~~The Parties further~~

Commented [ES2]: Once the Town has established a municipal fire department, the municipal fire department becomes the primary user of the facilities. Therefore, we need to end this Operating and Services Agreement (which allows HFD to manage the facilities) and transition to a pure service contract for supplemental fire protection services.

acknowledge that it is contemplated that the term of said Supplemental Services Contract shall extend through such time that the Town's municipal fire department, as determined by the Town Manager taking into consideration the recommendation of the municipal fire chief, is sufficiently staffed to provide adequate fire protection services to the Town and District without Fire Department's provision of supplemental fire protection services.

Commented [ES3]: Once the Town has absorbed or hired enough full and part time employees to no longer need HFD to supplement the fire protection services, the service contract will end because the municipal fire department will be fully staffed and self-sufficient. Specific terms will be set forth in the Supplemental Services Contract re items such as utilities, etc.

3. **Possession.** Throughout the term of this Agreement as may be extended pursuant to Clause 19, and except as otherwise provided herein, Fire Department shall be the primary user of the Town-owned Fire Stations and Fire Station # 2. The right to use Town-owned Fire Stations, including any future Town-owned fire stations, shall be deemed a contribution of the Town to the Fire Department. Notwithstanding such right of use, the Town shall at all times maintain ownership and control of the Town-owned Fire Stations.

4. **Fire Department Standards.** Throughout the term of this Agreement, Fire Department will remain a fully qualified, equipped, and staffed fire department, meeting all applicable state and local standards for incorporated, nonprofit volunteer fire departments serving a suburban area. Without limiting the foregoing generality, throughout the term of this Agreement, Fire Department will also meet all of the standards of performance required by the County Agreement, which standards are incorporated herein by reference. All firefighters employed by the Fire Department shall be appropriately listed on the Fire Department's roster of firefighters submitted to the state. Any town-employed firefighters shall also be listed on the Fire Department's roster until such time that a municipal fire department is established by the Town's employment of at least eighteen (18) full-time firefighters and a municipal fire chief, and the Supplemental Services Contract as contemplated by Clause 2 of this Agreement has been executed. Upon execution of the Supplemental Services Contract, town-employed firefighters and firefighters employed by the Fire Department shall be listed on the municipal fire department's roster of firefighters submitted to the state. The municipal fire chief shall be responsible for updating the municipal fire department roster as necessary to account for said roster transition.

Commented [ES4]: There must be 15 employees for the initial fire station and 4 additional per additional station. For four stations, there must be $15+12=27$.

5. **Contribution.** Annual contributions, to be distributed in four equal, quarterly installments, by Town to Fire Department shall continue during the term of this Agreement, in addition to those provided below, shall be determined from time to time by Town, consistent with its established policies of assisting the Fire Department

Commented [ES5]: The terms of the contemplated Supplemental Services Contract shall set forth the contracted rate of pay for supplemental fire protection services. Annual contributions will no longer be necessary upon the execution of the supplemental services contract.

in providing fire protection and related emergency services to the Town. By this Agreement, Town is not obligating itself or future Boards of Commissioners of Town as to the level of support given to Fire Department, except as to the right of use of Town-owned Fire Stations as set forth herein or as otherwise provided in this Agreement. Any contribution by the Town shall only be used as directed by the Town Board ~~of Commissioners~~ for the provision of fire protection and related emergency services pursuant to this Agreement.

6. Fire District Tax. The District property tax levied by the County and paid to the Town under the County Agreement shall be used by the Town solely for provision of fire protection and related emergency services within the unincorporated areas of the District, including funding the Fire Department for the provision of those services. Such tax revenues shall be paid from time to time to Fire Department as determined in the Town's annual budget so long as this Agreement is in effect. The County Agreement provides that Town shall make recommendation to the County as to the fire tax rate for the District and shall request funding for providing such services. Fire Department shall consult with the Town to determine the cost to the Fire Department for providing such services to the District.

4.7. Termination.

- a) **Termination for Convenience.** ~~On the third anniversary of the Effective Date,~~ Town shall have the option to terminate this Agreement, without penalty or cause, upon giving of six (6) months' notice of the exercise of the option to terminate.
- b) **Termination for Cause.** Notwithstanding the provisions of Subparagraph a) above, Town may at any time, upon giving of six (6) months' notice to the Fire Department, terminate this Agreement and regain possession of the Town-owned Fire Stations, if Town reasonably determines that Fire Department is engaging in unlawful or egregious conduct or is unable or unwilling to provide the level of service required by this Agreement or the County Agreement. If during the said six (6) month period, the Fire Department makes improvements satisfactory to the Town, no termination shall occur. During the six (6) month period, the Fire Department is not relieved of their responsibility to provide fire protection and emergency services in a manner otherwise consistent with the terms of this Agreement.

c) Transition to Municipal Fire Department. ~~If Upon the Town's shall decide to~~ establish ~~ment of~~ a municipal fire department as a department of Town, staffed in whole or in part by at least eighteen (18) full-time fire fighters and a fire chiefs who are employees by the of Town, the Town may terminate this Agreement without penalty or cause upon giving of 30 days' notice of the exercise of the option to terminate pursuant to this subsection. Town shall provide six (6) months' notice to Fire Department. The notice required pursuant to this subsection may coincide with the notice contemplated in Clause 2 of this Agreement.

e)d) Termination by Fire Department. If Fire Department reasonably determines that the level of additional support provided by Town is insufficient to maintain the services and standards of Fire Department as required by this Agreement, considering other sources of income, Fire Department may terminate this Agreement and cease fire protection services to Town upon giving Town one (1) year notice of its intent to terminate.

Upon termination of this Agreement ~~If this Agreement is terminated~~ pursuant to this Section- Clause 7, or the Parties fail to mutually renew the terms of the Agreement, Fire Department's assets shall be distributed to Town in accordance with Clause 9 of this Agreement hereinbelow.

5.8. Notices: Unless otherwise provided herein, all notices and communications required to be given shall be in writing and be deemed given by: (i) personally ~~delivered~~ with written acknowledgment of receipt, (ii) deposit in the United States mail, postage prepaid, certified or register mail, return receipt requested, or (iii) sent by a nationally recognized overnight courier, to the following addresses (provided that either party may change its notice address by notice to the other):

IF TO TOWN:

Town of Huntersville
Attn: Town Manager
Post Office Box 664 (28070)
101 Huntersville-Concord Road Huntersville
North Carolina 28078

IF TO FIRE DEPT.: Huntersville Fire Department, Inc.
 Attn: Chief, Huntersville Fire Department, Inc.
 Post Office Box 471 (28070)
 110 S. Old Statesville Road Huntersville
 North Carolina 28078

9. **Distribution of Assets.** In recognition of the substantial funding and contributions provided by Town to Fire Department, Fire Department agrees that, upon expiration or termination of this Agreement or Fire Department's merger with another entity pursuant to Clause 11 of this Agreement, Fire Department's assets, including all real property, tangible and intangible personal property, and all monetary assets, shall be conveyed to and distributed to Town. Fire Department shall pay in full any and all outstanding debt owed, including debt owed on all equipment and fire trucks, and provide written proof of such payments to Town prior to said conveyance and distribution of assets to Town. The conveyance and distribution of assets to Town, including all necessary deed and title transfers to the Town, shall occur no later than 60 days from the expiration or termination of this Agreement. In the case of merger, the conveyance and distribution of assets to Town shall occur no later than 60 days prior to the date of merger pursuant to Clause 11 of this Agreement. Notwithstanding the foregoing, the contemplated Supplemental Services Agreement shall provide for the Department's initial retention of funds in the amount equivalent to six months' worth of departmental operating expenses.

Commented [ES6]: This Agreement should end once we have established the municipal fire department. The municipal fire department should be the owner of these assets, once established. As noted above, we will enter a supplemental services agreement with HFD at the end of this Agreement for provision of supplemental services until such time that the municipal fire department is fully staffed. That agreement will outline terms for the contracted employees of HFD to use the municipal fire departments equipment, etc.

10. Dissolution of Fire Department.

a) **Prior to the expiration or termination of this Agreement.** Fire Department is a nonprofit corporation whose charter provides that, upon dissolution, ~~its~~the assets must be distributed to a qualified tax-exempt organization or to a federal, state, or local government. Upon Fire Department's dissolution for any reason prior to the expiration or termination of this Agreement, ~~and~~ in recognition of the substantial funding and contributions provided by Town to Fire Department, Fire Department agrees that, upon dissolution, Fire Department's remaining assets, including all real property, tangible and intangible personal property, and all monetary assets, shall be conveyed to and distributed to Town. Such conveyance and distribution, including all necessary deed and title transfers to the Town, shall occur as soon as reasonably practicable after commencement of the dissolution process.

Commented [ES7]: Protects town's investment if HFD had to dissolve prior to the expiration or termination of this Agreement.

b) **After the expiration or termination of the Supplemental Services Contract.** The Parties further mutually agree that it is contemplated that all or part of Fire

Commented [ES8]: Once supplemental services are no longer needed from HFD, it is not practical for HFD to remain incorporated given the similarities in the name and the fact that, by that time, most of the employees would then be town employees.

Term provides a catch all to recoup any additional assets distributed to them during the term of the supplemental services agreement, but that we didn't already receive at the termination or expiration of THIS Agreement as contemplated by Clause 9.

Notice this requirement to dissolve is only after we have established the municipal fire department and there is no longer a need for supplemental services.

Department's (Huntersville Fire Department, Inc.) employees shall convert to employees of the Town's municipal fire department (Huntersville Fire Department) on or before the expiration or termination of the Supplemental Services Contract contemplated by Clause 2 of this Agreement. In recognition of this anticipated conversion and the similarities in the names of Fire Department and the Town's intended municipal fire department, Fire Department agrees to commence the process to voluntarily dissolve Huntersville Fire Department Inc. no later than 30 days from the expiration or termination of the Supplemental Services Contract contemplated by Clause 2 of this Agreement. Upon the dissolution of Fire Department pursuant to this Clause 10(b), Fire Department agrees that Fire Department's remaining assets, including all real property, tangible and intangible personal property, and all monetary assets, shall be conveyed to and distributed to Town. Such conveyance and distribution, including all necessary deed and title transfers to the Town, shall occur as soon as reasonably practicable after commencement of the dissolution process. In any event, the dissolution shall be completed within one year of the expiration or termination of the Supplemental Services Contract.

6.—

7.11. Merger. Fire Department shall not merge with another entity without prior written approval from Town, which the Town will not unreasonably withhold. In the event of a merger between the Fire Department and another entity, all assets of Fire Department shall be distributed to the Town in accordance with Clause 9 of this Agreement hereinabove prior to the merger. Notwithstanding such distribution to the Town, the merged entity may contract with the Town to provide fire protection and emergency services and such contract may provide for the merged entity's use of some or all of the ~~distributed~~ assets distributed to the Town by the merged entity.

8.12. Agreement as to Use of Town-Owned Stations. During the terms of this Agreement, or any mutually agreed upon renewals thereof pursuant to Clause 19 of this Agreement, the following shall apply:

- a) Fire Department shall be the primary user of all Town-owned Fire Stations and any use other than that of the Fire Department shall not unreasonably interfere with the Fire Department's use. This provision shall not, however, preclude the Town from designating portions of any of the Town-owned Fire Stations for

Commented [ES9]: The terms of the Supplemental Services Contract will address transition of these responsibilities to the municipal fire department.

secondary Town usage, such as the establishment of a police office at Huntersville Station # 3. The Parties further acknowledge that, after the establishment of the Town's municipal fire department, but prior to the expiration or termination of the term of this Agreement, town-employed municipal firefighters may use the Town-owned Fire Stations and Fire Station #2 for the purpose of providing fire protection services. The Town or Fire Department may jointly authorize other uses in addition to the above-listed uses from time to time, on a temporary basis, by appropriate agencies or departments of Town or authorized entities, provided that such other usage shall be authorized only after giving adequate advance notice to the Fire Department to enable Fire Department to re-position its equipment or take other appropriate measures so the Fire Departments ability to respond to fires or other emergencies shall not be compromised. Any uses in any area of any fire station other than by Fire Department shall not unreasonably interfere with the operation of the Fire Department.

- b) Fire Department shall be responsible for keeping the premises in a clean and sanitary condition, except that when uses other than that by the Fire Department are authorized, the using entity shall be responsible for such cleaning and maintenance, to the reasonable satisfaction of Fire Department.
- c) Fire Department shall be responsible for repairs and maintenance with the areas used by it, including all electrical, plumbing, heating and air conditioning systems, interior walls, windows and doors, and the exterior truck bay doors, up to a maximum of \$5,000.00 per lease year at each Town-owned Fire Station. Town shall be responsible for amounts in excess of \$5,000.00 per year and for major structural repairs to exterior walls, roofs, exterior doors (except truck bay doors) and windows, and similar major components on such Town-owned Fire Stations, unless, in all cases, damage thereto is caused by Fire Department, its agents, employees, or members while on duty with the Fire Department, in which case Fire Department shall be responsible.
- e)d) Utilities, such as water, sewer, telephone, alarm monitoring, internet, cyber security, electric and gas, shall be the responsibility of Fire Department, except to the extent that usage is attributable to users other than Fire Department, and provided further that if said utility is on a Town-owned system that does not allocate costs to specific sites (such as telephone at Fire Stations # 1, 3 and 4), Town will pay such expense.

d)e) Fire Department shall be responsible for keeping all of its equipment secured and for taking whatever steps are deemed appropriate to prevent damage, loss, or theft of the equipment while on the premises. Fire Department does hereby hold Town harmless and does release and acquit Town for any loss or damage to Fire Department's vehicles and equipment, except for the intentional, wanton, or willful acts on part of Town, its authorized employees, or agents.

e)f) Fire Department shall use the fire stations solely for the operation of a fire station, which term includes uses that are ancillary to the actual operation of a fire station, such as office facilities, training facilities, fund raising and similar uses, and also includes rescue and first responder services. This provision shall not be interpreted as precluding other Town uses as set forth in 11(a) above. Any use by or authorized by the Fire Department which is not directly related to the operation of the fire station or of Fire Department's mission of providing fire protection must have the prior approval of Town, which may be given by Town Manager.

f)g) Fire Department shall make no changes to the exterior appearance of any Town-owned station or make interior modifications without express written consent of Town.

13. Independent Agency. Fire Department is a separate, independent corporation and is not an agency of the Town. This Agreement shall not be construed as establishing a joint venture, partnership, or any principal-agent relationship for any purpose between the Fire Department and the Town. Town shall not direct the operation, control or training of the members or employees of the Fire Department, approve or disapprove of the purchase of equipment (except as ~~a result of a direct funding request provided herein~~), approve or disapprove of the membership, or in any other manner supervise any element of control over Fire Department. Employees of the Contractor shall remain subject to the exclusive control the Fire Department. Fire Department agrees that it shall not discriminate in its membership or employment because of race, religion, color, sex (including gender identity or sexual orientation), age, disability, national origin, or genetic information, provided, however, that members and employees must be competent and capable of performing the requirements of the job. Town, however, shall during the term of this agreement have the reasonable right of approval of the person to serve as Chief of the Fire Department, since such person also serves as spokesperson for Town's fire protection and emergency services, unless such right affects the status of any tax-exempt obligations as set forth in ~~Clause paragraph 2019 of this Agreement~~, in which case this right shall be deemed removed. Fire Department shall be responsible for maintaining all records and paying all wages and benefits of paid employees of Fire Department. Fire Department shall be solely responsible for determining that the work conditions comply with all health and safety regulations and shall be responsible for filing any necessary reports or documents relative thereto. Town assumes no

responsibility for any violation of any Occupation, Health & Safety Act (OHSA) or any other similar State or Federal Act.

9.14. Insurance. Fire Department shall be responsible for obtaining and maintaining all appropriate and required insurance, specifically including the insurance requirements under the County Agreement. Fire Department will be responsible for all legally required workers' compensation and other similar obligations. Fire Department will obtain special event insurance for those occasions, such as fund-raising dinners, when Fire Department coverage does not cover liability at such events. Town shall be responsible for obtaining and maintaining all insurance on Town-owned Fire Stations, equipment, and vehicles.

10.15. Financial Statements. Fire Department will, as a matter of information, provide Town with its annual financial statements, showing sources of all income, including contributions from Town and the nature of all such expenditures. These statements shall be provided within thirty (30) days after completion. Town shall not have any right of approval or disapproval of the statements. An independent audit shall be paid for by the Fire Department on an annual basis and submitted to Town within 30 days of completion. Any misuse of funds shall be a cause for terminating this Agreement. Fire Department agrees that it shall begin preparation of the financial statements within thirty (30) days after June 30th of each year and assure its timely completion and submission to Town. Additionally, and not by limitation, Fire Department will provide tax returns to the public as requested.

16. Books and Records. The Town Manager, Deputy Town Manager, or Finance Director may meet with the Fire Chief and/or Fire Department Treasurer quarterly and as needed to discuss financial books and records of the Fire Department at a mutually convenient time. The Fire Department shall maintain a written accounting system, which provides adequate documentation of all of its receipts and disbursements including, but not limited to, those related to the expenditure of funds subject to this Agreement.

17. Equipment Titles. All vehicles and equipment of the Fire Department existing as of the execution date of this Agreement shall be titled in the name of the Fire Department during the term of this Agreement and shall not be titled in the name of the Town, even though contribution or payments from Town may have been used to acquire or finance the acquisition of such equipment. Upon conveyance and distribution of assets to Town pursuant to Clauses 9 and/or 10, Department shall cooperate with Town to transfer necessary titles from Department to Town.

14.18. Disposal and Replacement of Fire Stations, Equipment, and Vehicles. Fire

Department shall not dispose of or replace any fire stations, equipment, or vehicles during the term of this Agreement without prior written consent from the Town, which shall not be unreasonably withheld by the Town. Should any fire stations, equipment, or vehicles be replaced with new fire stations, equipment, or vehicles during the term of this Agreement, the new fire stations, equipment, or vehicles shall be owned by and titled in the name of the Town. The sales proceeds and/or salvage values of the disposed or replaced fire stations, equipment, or vehicles will be due and payable to and the property of the Town. Said proceeds and/or salvage values shall be used by Fire Department by the Town solely for the provision of fire protection and emergency services, pursuant to this Agreement. The sales proceeds and/or salvage values of any replaced fire stations, equipment, or vehicles shall be factored into Fire Department's requests for funding from Town.

12.19. Mutually Agreed Upon Renewal. As set forth in ~~Clause Paragraph~~ 2 of this Agreement, ~~this Agreement shall be for a maximum of five (5) years and there is no option to renew this Agreement. Nevertheless, if neither party~~ Town fails to give notice of establishment of a municipal fire department to Fire Department within one year from the date of execution of this Agreement, ~~s notice to the other at least sixty (60) days prior to the final termination date of this Agreement,~~ such non-action shall be deemed a mutually agreed upon renewal of this Agreement for an additional ~~one (1) year period five (5) year period~~ on the same terms and conditions as are herein set forth, and specifically including the right of Town to terminate the Agreement, without cause, upon six months' notice. ~~-on a date which is three (3) years from date of the beginning of such renewal.~~ Notice of the intent of either party to complete the termination at the end of such mutually agreed upon renewal term shall be given in writing at least sixty (60) days prior to that time. A mutually agreed upon renewal shall be deemed to occur at the end of each subsequent ~~one five (15)~~ year period unless notice is given by either party. At no time, however, shall this extension be deemed to abrogate the rights herein given by either party to earlier terminate the Agreement for any of the reasons set forth.

20. Tax-Exempt Status. It is the intent that the Agreement at all times complies with provision of any Revenue Rulings or Procedures in order to maintain a tax-exempt status of the funds used to finance the construction of any Town-owned Fire Stations, or any replacement to that financing. If any condition exists or arises which may cause this Agreement to be in violation thereof and is not promptly corrected, then this Agreement may be deemed void and the rights between the parties cease. Fire Department specifically agrees that there shall be no overlapping Board members in numbers precluded by Revenue Procedure 93-19 or successor procedure, nor any prohibited overlapping on the Board of either party or Chief Executive Officers of either party. The Fire Department further agrees that it is not entitled to and will not take any tax position

that is inconsistent with being a service provider to the Town with respect to the Town-owned Fire Stations. Should this Agreement be deemed void pursuant to this subsection, Fire Department's assets shall be distributed to Town in accordance with Clause 9 of this Agreement hereinabove.

13.21. Non-Assignability. This agreement may not be transferred, assigned, or subcontracted by the Fire Department without the written consent of the Town.

22. Anti- Discrimination and Equal Employment. During the performance of the Agreement, Fire Department shall comply with all federal and state requirements concerning fair and equal employment and shall not discriminate against or deny the Agreement's benefits or services to any person on the basis of race, religion, color, creed, national origin, age, sex (including sexual orientation, gender identity, and pregnancy), disability or handicapping condition, or genetic information.

14.23. Severability. If any provision of this Agreement is found to be invalid or unlawful, then remainder of this Agreement shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.

15.24. No Third-Party Beneficiaries. This Agreement is not intended for the benefit of any third party. The rights and obligations contained herein belong exclusively to the parties hereto, and shall not confer any rights or remedies upon any person or entity other than the parties hereto.

16.25. No Waiver. Failure of the Town to enforce any of the provisions of this Agreement at any time, or to request performance by the Fire Department pursuant to any of the provisions of this Agreement at any time shall in no way be construed as a waiver of such provisions, nor in any way affect the validity of this Agreement, or any part thereof, or the right of the Town to enforce each and every provision.

17.26. Governmental Immunity. Nothing contained in this Agreement shall constitute a waiver of the Town's governmental immunity or of any limitation on liability or damages created by law.

18.27. Indemnification. To the greatest extent allowed by North Carolina, law Fire Department shall indemnify and hold harmless the Town, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses (including expenses of litigation and attorney's fees), attorneys' fees ("Claims"). In the event that any portion of the Agreement performed under the Agreement shall be defective in any respect

whatsoever, Fire Department shall indemnify and save harmless the Town, its officers, agents, employees, and assigns from all Claims as defined herein ~~loss or the payment of all sums of money~~, but only to the extent allowed by law. Nothing contained in this Agreement shall waive the Constitutional limitation on the Town indemnifying obligations of other parties.

28. Governing Law. This Agreement shall be interpreted according to the Laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation, and enforcement of the Agreement, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina. Fire Department represents and warrants that it shall comply with all applicable federal, state, and local laws, regulations, and orders, including, not limited to, licensure requirements.

29. Prohibition on Dual Employment. Municipal firefighters employed by the Town may not be simultaneously employed by Fire Department in any capacity, whether on a full or part-time basis, at any time during their employment with the Town.

30. Marketing and Branding of Municipal Fire Department. Parties mutually agree that Fire Department has no intellectual property interest or other ownership interest in the name "Huntersville Fire Department" and that Town may freely use the name Huntersville Fire Department in relation to its municipal fire department, whenever established, including but not limited to, for purposes of marketing and branding of said municipal fire department.

31. Amendments. Any amendments to this Agreement must be in writing and approved by the Town.

32. Entire Agreement. These terms and conditions contained herein shall constitute and represent the complete and entire agreement between the Town and Fire Department and shall supersede all previous agreements and communications, either written or verbal, with respect to the subject matter of this Agreement.

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Signature Page to Follow

IN WITNESS WHEREOF, Town and Fire Department have executed this Agreement after approval of its respective governing bodies, as of the date of execution of each respective party.

TOWN OF HUNTERSVILLE
A North Carolina Municipal Corporation

By: _____
Anthony Roberts, Town Manager

Dated: _____

ATTEST:

Janet Pierson, Town Clerk

APPROVED AS TO FORM:

Emily Sloop, Town Attorney

HUNTERSVILLE FIRE DEPARTMENT, INC
A North Carolina Non-Profit Corporation

By: _____
Chief, Huntersville Fire Department, Inc

Dated: _____

By: _____
Secretary, Huntersville Fire Department, Inc

Dated: _____

**Town of Huntersville
Town Board
January 2, 2024**

To: Town Board

From:

Date: January 2, 2024

Subject: Sustainability Committee Discussion

EXPLAIN REQUEST:

Discussion on establishing a Sustainability Committee.

ACTION RECOMMENDED:

Discussion

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

None